



*The City with Spirit*

## NOTICE OF MEETING

Notice is hereby given that an **Ordinary Council** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, parnaple centre, 137 Rooke Street, Devonport, on Monday 29 April 2019, commencing at 5:30pm.

**The meeting will be open to the public at 5:30pm.**

## QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports in this agenda contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

Paul West  
GENERAL MANAGER

**24 April 2019**

### May 2019

Meeting	Date	Commencement Time
Governance Finance & Community Services Committee	20 May 2019	5:30pm
Council Meeting	27 May 2019	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL  
HELD ON MONDAY 29 APRIL 2019 IN THE ABERDEEN ROOM, paranaple centre, 137 ROOKE  
STREET, DEVONPORT AT 5:30PM**

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Agenda of an ordinary meeting of the Devonport City Council to be held in the Aberdeen Room, paranaple centre, 137 Rooke Street, Devonport on Monday, 29 April 2019 commencing at 5:30pm.

**PRESENT**

		<b>Present</b>	<b>Apology</b>
Chair	Cr A Rockliff (Mayor)		
	Cr A Jarman (Deputy Mayor)		
	Cr J Alexiou		
	Cr G Enniss		
	Cr P Hollister		
	Cr L Laycock		
	Cr S Milbourne		
	Cr L Murphy		
	Cr L Perry		

**ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges and pays respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

**IN ATTENDANCE**

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months. Members of the public in attendance at the meeting who do not wish for their words to be recorded and/or published on the website, should contact a relevant Council Officer and advise of their wishes prior to the start of the meeting.

**1.0 APOLOGIES**

**2.0 DECLARATIONS OF INTEREST**

### **3.0 PROCEDURAL**

#### **3.1 CONFIRMATION OF MINUTES**

##### **3.1.1 COUNCIL MEETING - 25 MARCH 2019**

#### **RECOMMENDATION**

That the minutes of the Council meeting held on 25 March 2019 as previously circulated be confirmed.



### 3.2 PUBLIC QUESTION TIME

Members of the public are invited to ask questions in accordance with Council's Public Question Time Policy (Min No 159/17 refers):

1. Public participation shall take place at Council meetings in accordance with Regulation 31 of the *Local Government (meeting Procedures) Regulations 2015*.
  2. Public participation will be the first agenda item following the formal motions: Apologies, Minutes and Declarations of Interest.
  3. Questions without notice will be dependent on available time at the meeting (with a period of 30 minutes set aside at each meeting).
  4. A member of the public who wishes to ask a question at the meeting is to state their name and address prior to asking their question.
  5. A maximum of 2 questions per person are permitted.
  6. A maximum period of 3 minutes will be allowed per person.
  7. If time permits, a third question may be asked once all community members who wish to ask questions have done so. A time limit of 2 minutes will apply.
  8. Questions are to be succinct and not contain lengthy preamble.
  9. Questions do not have to be lodged prior to the meeting, however they will preferably be provided in writing.
  10. A question by any member of the public and an answer to that question are not to be debated.
  11. Questions without notice and their answers will be recorded in the minutes.
  12. The Chairperson may take a question on notice in cases where the questions raised at the meeting require further research or clarification, or where a written response is specifically requested.
  13. Protection of parliamentary privilege does not apply to local government and any statements or discussion in the Council Chambers, or any document produced, are subject to the laws of defamation.
  14. The Chairperson may refuse to accept a question. If the Chairperson refuses to accept a question, the Chairperson is to give reason for doing so in accordance with the Public Question Time Policy.
-

### 3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

File: 35817 D561274

Responses to questions raised at prior meetings are attached.

#### ATTACHMENTS

- [1.](#) GMGOV - Questions Without Notice - Council Meeting 20190325 - Response to Graeme Nevin - Providore Place Lease
- [2.](#) GMGOV - Questions Without Notice - Council Meeting 20190325 - Response to Tony Butler - Wright Street and Bass Street
- [3.](#) GMGOV - Questions Without Notice - Council Meeting 20190325 - Response to Trevor Smith - Splash Aquatic Centre
- [4.](#) GMGOV - Questions Without Notice - Council Meeting 20190325 - Response to Rodney Russell - Holes in Depot Fence
- [5.](#) GMGOV - Questions Without Notice - Council Meeting 20190325 - Response to Peter Stegmann - Convention Centre
- [6.](#) GMGOV - Question Without Notice - Response to Rodney Russell - 20190409

#### RECOMMENDATION

That the responses to questions from Mr Graeme Nevin, Mr Tony Butler, Mr Trevor Smith, Mr Rodney Russell and Mr Peter Stegmann at the 25 March 2019 Council meeting and Mr Rodney Russell at the Infrastructure Works and Development Committee held 8 April 2019 be noted.

Author:	Paul West
Position:	General Manager



## DEVONPORT CITY COUNCIL

ABN: 47 611 446 016

PO Box 604 Devonport TAS 7310 – 137 Rooke Street, Devonport

Telephone 03 6424 0511

Email council@devonport.tas.gov.au Web www.devonport.tas.gov.au

1 April 2019

*In reply please quote:*

File 35817

Graeme Nevin  
145 Percy Street  
DEVONPORT TAS 7310

Dear Mr Nevin

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 25 MARCH 2019**

I refer to your questions raised at the Council Meeting on Monday 25 March 2019 and provide the following response:

**Q1.**

Does the lease between the Devonport City Council and Providore Place Devonport Pty Ltd, regarding Providore Place, include what is commonly called a 'Director's Guarantee Clause'?

**Response**

As the lease agreement with Providore Place (Devonport) Pty Ltd was considered by Council on a confidential basis I am unable to confirm what is, or what is not, included in the document.

**Q2.**

Did Council procure a legal practitioner to prepare the head lease regarding Providore Place?

**Response**

No. The Providore Place lease was prepared using standard lease terms (which had previously been developed with legal advice), as a guide. The lease was developed in line with an agreed term sheet approved by the Council.

Yours sincerely

Paul West  
GENERAL MANAGER

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1 April 2019

*In reply please quote:*

File 35817

Tony Butler  
2 Drew Street  
EAST DEVONPORT TAS 7310

Dear Mr Butler

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 25 MARCH 2019**

I refer to your questions raised at the Council Meeting on Monday 25 March 2019 and provide the following response:

**Q1.**

Wright Street, East Devonport, which is the main street, I take it from Chas Kelly down to the sea. Outside the Tyre Service is a sinkhole forming, outside Dowling McCarthy, the Police have been notified, somebody else has been notified, but it is just getting bigger and it's on the bike track, so we will have to dig a hole to find the man riding the bike, or the woman.

**Response**

An inspection on 28/3/19 found an area of road that requires repair. A request has been made to Council's work team and the area will be repaired in the near future. These issues can usually be repaired more quickly if reported directly to Council's work depot on 6420 2700.

**Q2.**

Why is the notice still left on Bass Street that it is not in Council care?

**Response**

It was an oversight and it has been advised that the signs will be removed by Friday 5 April 2019.

Yours sincerely

Paul West  
GENERAL MANAGER

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1 April 2019

*In reply please quote:*

File 35817

Trevor Smith  
7 Glen Court  
DEVONPORT TAS 7310

Dear Mr Smith

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 25 MARCH 2019**

I refer to your questions raised at the Council Meeting on Monday 25 March 2019 and provide the following response:

**Q1.**

The majority of ratepayers, at this Council Agenda Meeting, pay for the water they use, with a charge of \$1.062 per Kilolitre from TasWater. How much does the Devonport Council pay TasWater, when you use an unmetered Fire Hydrant to fill up the refurbished 25 metre indoor pool, as well as to fill up the 50 metre outdoor Olympic pool yearly (relating to Green Algae) since the complex was built? The 50 metre pool has about 2.5 million litres and the indoor pool about 375,000 litres of water replacement!

**Response**

Council pay \$1.062 per kilolitre for water used. The fire hydrants used to fill the pools are on a metered supply.

**Q2.**

The Devonport Council reported to the media, that the tiling of the 25 metre indoor pool, would be completed by early February, it is now the end of March and the tilework has not been completed on the outskirts of the pool. Why is this so, have you to reorder more tiles, or is it more complicated than that? Why has a ratepayer, have to bring this issue to a Council meeting, when you have such a large workforce to look after an issue such as this?

**Response**

The supplier for the tiles has had mechanical issues. Council is being kept updated by the supplier on a weekly basis, however the delivery date for the tiles at this stage is currently unknown.

Yours sincerely

Paul West  
GENERAL MANAGER

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1 April 2019

*In reply please quote:*

File 35817

Rodney Russell  
225 Steele Street  
DEVONPORT TAS 7310

Dear Mr Russell

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 25 MARCH 2019**

I refer to your question raised at the Council Meeting on Monday 25 March 2019 and provide the following response:

**Question**

On the 10th December 2018 I said to Council about two holes in the Lawrence Drive depot fence and the large amount of tree growth against the fence.

The large hole was fixed within five working days, the tree growth was removed by the end of February and I was most impressed with the job done.

My question, when will the smaller hole be fixed and another hole big enough to get through which has now appeared within six metres of a very nice piece of Council machinery?

**Response**

All holes in the boundary fence have been repaired.

Yours sincerely

Paul West  
GENERAL MANAGER

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1 April 2019

*In reply please quote:*

File 35817

Peter Stegmann  
118 River Road  
EAST DEVONPORT TAS 7310

Via email: pstegmann@bigpond.com

Dear Mr Stegmann

**RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 25 MARCH 2019**

I refer to your question raised at the Council Meeting on Monday 25 March 2019 and provide the following response:

**Question**

As Council is now in the convention and conference business with an 800 seat capacity investment, can Council please advise how many international and interstate conference attendees the entire state attracted in the year ending December 2018, and if Devonport had attracted 5% of this number, how many delegates would this be?

**Response**

Figures obtained from Tourism Tasmania website indicates that 47,356 people visited Tasmania for conferences in the year ended 31 December 2018. Therefore, in response to your question, if Devonport were to attract 5% of these visitors it would amount to 2,367 delegates.

Yours sincerely

Paul West  
GENERAL MANAGER

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11 April 2019

**In reply please quote:**

File 35817

Rodney Russell  
225 Steele Street  
DEVONPORT TAS 7310

Dear Mr Russell

**RESPONSE TO QUESTION WITHOUT NOTICE**

I refer to your question raised at the Infrastructure, Works and Development Committee meeting on Monday 8 April 2019 and provide the following response:

**Question**

Corner of North Fenton and Oldaker Streets there is some small white angles 10 metres from the corner to indicate how close you can park to the corner how much do these cost each to be installed?

**Response**

Council paints these end of parking bay markings when there is a long term problem with cars parking within 10m of the corner. Technically they are not required as the road rules already prohibit parking closer than the marks, but they are a helpful guide to drivers. Council uses data including the number of infringements issued to determine if markings are required.

The nominal cost of a pair of bay markings is \$80.

Yours sincerely

Paul West  
GENERAL MANAGER

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### 3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

File: 27452 D561288

#### **MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, DEVONPORT**

Questions on notice received from Mr Malcolm Gardam on 11 April 2019 are **reproduced as attachment 1**.

#### **DISCUSSION**

In relation to the questions received 11 April 2019, it is proposed Mr Gardam be advised the following:

#### **Questions 1 to 3 relate to the 800 seat Conference Centre**

**Q1.** Will Council please advise as to what percentage of the total conference centre bookings to date are under 200 attendees and thereby openly competing with local privately run venues of a similar capacity?

#### **Response**

Since opening in September 2018, 82% of events held in the combined Torquay/Mersey/Formby rooms (collectively the 800 seat paranapple convention centre) were below 200 attendees. The overall percentage is affected by events held that require a large floor space to conduct their activities, for example, the Tasmanian Electoral Commission event in October required the entire space for election counting and tally room; the Works and Engineering Association of Tasmania Conference held in November was below 200 attendees, however used part of the floor for a trade exhibit; conversely, the RACT Luncheon event held in March required 2/3 of the space, but is counted as a convention centre event.

The meeting and attendances for the paranapple convention centre are reported in the Governance, Finance and Community Services Committee agenda.

**Q2.** Is it true that the Council is offering discounted hire rate for its conference and meeting bookings and thereby openly and unfairly competing with local privately run venues?

#### **Response**

The Council has a room hire schedule that includes commercial and community rates for conference and meeting room bookings.

**Q3.** Will Council confirm that its conference centre booking initiatives do not breach fair trading legislation and requirements of the Economic Regulator?

#### **Response**

Council is required to report the operating, capital and competitive neutrality costs in respect of each significant business activity undertaken by Council; this information is included each year in Council's Annual Report.

#### **Questions 4 to 6 relate to the Waterfront Precinct**

**Q4.** What is the capital expenditure write-down value for the Waterfront Precinct hotel land sale?

### Response

The land being sold to the Hotel developer is currently part of two separate land titles - the title for the site is yet to be issued. There is no intention to undertake the calculation that you are seeking at this time, this will be completed in due course in line with Council's statutory reporting requirements.

- Q5.** The Council has previously advised that it is contributing \$170,000 towards the demolition of the Harris Scarfe building; accordingly, will council please advise precisely what percentage of the overall area of the Harris Scarfe site this relates to?

### Response

The Council contribution to the demolition is part of the sale contract and is not based on any percentage calculations.

- Q6.** In relation to the proposed hotel/private apartments site and the statement that Fairbrother has 18 months to have substantial construction commenced otherwise the Council can buy the site back should the hotel not be built, **does Council have to reimburse Fairbrother for any work undertaken on site or costs incurred if the hotel is not built?** (E.g. including the Fairbrother contribution to the Harris Scarfe demolition)

### Response

The sale contract was determined by Council in Closed Session and therefore no further information is available other than that which has already been publicly released.

### Preamble to Waterfront Precinct questions 7 to 18

I posted the following questions on Councillor Leon Perry's Facebook Page in response to statements he had posted, and in some instances similar statements that have also appeared on the Devonport City Council Facebook Page. Considering that Councillor Perry has in the past been quite prepared to answer questions on behalf of Council but in this instance I have received no response, I have included the specific statements for ease of cross-referencing and hereby request Council's response.

- Q7.** According to Councillor Perry and the DCC Facebook Page *"The hotel is being 100% privately funded by local construction and development firm Fairbrother Pty Ltd, without any Council subsidy"* however, **the section of the Harris Scarfe site was purchased at about \$1705/m2 has been sold to Fairbrother for about \$509/m2; accordingly, does Council not see this as a form of subsidy?**

### Response

Council has openly acknowledged in the past the amount it paid for the property at 20-24 Best Street (former Harris Scarfe) and more recently the amount of land sold to Fairbrother Pty Ltd to allow the Hotel development to proceed.

- Q8.** A summary of what are arguably council subsidies is: -

- Land for hotel/private apartments purchased from Council at a discounted m<sup>2</sup> rate compared to its procurement and other costs incurred.
- Initial hotel/private apartments detailed design concept drawings paid by Council.
- Two consultant hotel-demand analysis reports paid by Council.
- Traffic assessment that was heavily focused on the impacts from the hotel/private apartments and normally required from a developer paid by Council.
- Service road for hotel/private apartments that enabled the Fairbrother Application for Planning Permit to be conforming **(arguably otherwise would**

**have had to be provided at developer cost),** to be constructed and maintained at Council's cost.

Despite Council stating in writing that some of these costs would be a consideration as part of the land sale I see no evidence of that in the sale price. **Under normal circumstances a developer would choose which of these would be undertaken and accordingly bear all costs; therefore would Council not see any of these costs in isolation or in part as a form of subsidy to a private developer?**

**Response**

Your question is taken as a comment and your view on this matter. Council has nothing further to add than what it has previously publicly advised.

**Q9.** According to Councillor Perry "*Fairbrother won the right to purchase the land through an open public expression of interest process*" and according to previous Mayor Martin supposedly in a six way contest against other hotel developer submissions, yet Council including Councillor Perry refuses to confirm that there were six expressions of interest from HOTEL DEVELOPERS and in fact refuses to say how many hotel developers there were at all; accordingly, **why is this the case when the General Manager has stated a new hotel (and 12 private apartments) will commence in about 2 months does the actual number of hotel developer EOI's received remain a secret?**

**Response**

Council has nothing further to add than what it has previously publicly advised.

**Q10.** According to Councillor Perry, "*The hotel land represents approx. 10% of the total Waterfront Precinct with the balance being developed into attractive public space. For comparison purposes it should be noted that previously, 36% of the designated area was in private ownership;*" accordingly, **how much of the 36% of the previous privately owned property does the total Fairbrother hotel/private apartments site equate to?**

**Response**

Approximately 26%.

**Q11.** According to Councillor Perry a similar representation on the DCC Facebook Page "*The hotel will have a right of way onto the hotmix area under the walkway. This has been incorrectly touted as a dedicated service road just for the hotel - it isn't. If the hotel did not have this access that area would still be developed in the same manner – the hotmix area would still be there*" The right of way (Service Road) that will service the Hotel/Private Apartments parking, deliveries and garbage collection etc. has also been offered by Council as providing a necessary access to the parkland and maintenance of the elevated walkway; accordingly, **what essential access purposes does this "right of way" provide to the new area of parkland that will not be available off Rooke Street and Formby Road and the specific truck access provisions (protected by removable bollards) leading to the Amphitheatre?**

**Response**

Council has entered into a Contract of Sale for the area of land associated with the Hotel development. The service road to which you refer is on the southern most boundary of the parkland which will be used to access both the parkland and the hotel. The road will likely be used for all maintenance and service arrangements required within the western section of the parkland.

**Q12.** Would an asphalt sealed "Right of Way" (Service Road) still be included in this location and configuration if a hotel was not going to be built?

**Response**

As the Hotel is to be built this question has no relevance.

**Q13.** If so important as a service provision for Council assets, **why is there not a Service Road being constructed under the elevated walkway from Formby Road to the river to not only maintenance the elevated walkway but also for access (including emergency services) to the playground, BBQ area and toilets as well?**

**Response**

There are other access arrangements included within the parkland design.

**Q14.** Would the elevated walkway still be in the same location and configuration if the hotel was not going to be built?

**Response**

As the Hotel is to be built this question has no relevance.

**Q15.** Was Fairbrother's hotel Application for Planning Permit conforming without Council having provided the Right of Way roadway?

**Response**

Yes.

**Q16.** Did Council approve the hotel Application for Planning Permit before it had approved the Recreational Parkland Application for Planning Permit and had actually pre-empted approval of a Council funded right of way (service road)?

**Response**

You are already aware of the sequence of the approvals.

**Q17.** According to Councillor Perry "*Council will receive significant rate revenue from the hotel once it is completed*" **however, will Council acknowledge the off-set lost revenue from the loss of two existing tenants and the cost to relocate Harris Scarfe when promoting this new rate revenue?**

**Response**

The development of the Hotel is a significant achievement in the implementation of the LIVING CITY Masterplan. There has never been any secret in the fact that the development of the Hotel and the Waterfront Park would require the relocation of previous occupants of the site. Council purchased the properties for the express purpose of progressing the LIVING CITY Masterplan.

**Q18.** My understanding is that \$3m has been allocated for primarily the Waterfront Precinct in the 2018-2019 budget; will Council please advise where the publicly stated full \$5m from cash reserves has been approved by Council?

**Response**

Council stands by comments made on its Facebook page and in other written formats regarding the hotel development and the Waterfront precinct. Council can confirm that it considers the hotel land sale process was undertaken in an appropriate manner, the sale value was consistent with market valuation and the Development Application was considered in compliance with the *Land Use Planning and Approvals Act 1993*. Given your questions have been previously answered, are hypothetical or are considered opinion, there is limited value in responding further.

**Questions 19 to 22 relate to the Stage 2 New Northern Retail Precinct**

**Q19.** Mayor, are the councillors fully aware as to recent articles being ABC News 15/3/19 "Are "big box" retailers dinosaurs of shopping, left behind by evolution and facing

extinction" and The Australian 15/3/19 "Big W could be forced to close a third of its 183 stores: Macquarie" in relation to how market pressures are affecting "big box retailers" and Big W.

Concerning statements in those articles are and always have been reasonably foreseeable:

*"But the biggest problem is the unstoppable force descending from the digital world." Online selling – with its vast range and wafer-thin margins is already casting a massive shadow over big box retailing."*

*"Struggling bargain chain store Big W could be forced to close a third of their 183 stores Australia-wide due to falling profits."*

*"The retail chain has been underperforming and ringing up large losses for several years as it faces intense competition within the discount department store space, especially from Kmart and Target." (Devonport already had those stores as well as Harris Scarfe)*

*"Big W is highly exposed to regional areas....it is unlikely these locations will enable Big W to regain the momentum required for profitability," it said. (why would Big W establish in Devonport?)*

*"Given significant closure costs for the portfolio, a more likely scenario is Woolworths to close up to one-third of its stores (60 stores), in our view. This cost could be around \$759 million."*

In addition, Council has to look no further than a business article in The Advocate dated 2/4/19 that reported "Woolworth will close about 30 underperforming Big W stores and two distribution centres over the next 3 years after shoppers took their business online."

Given the former Mayor Steve Martin and the Deputy General Manager were reportedly made fully aware of these massive impediments to getting a Discount Department Store to establish in its Living City Stage 2 new northern retail precinct, in advance of approving Stage 1 construction, and has never provided a Plan B for this area and instead relying on a single concept (Living City new northern retail precinct), **does council intend to develop an alternate use for this acquired "retail space" through the massively expensive removal and replacement of existing public infrastructure, or just wait while the ratepayers carry the costs associated with the failure to date to attract a firm commitment from retail developers and the subsequent non-realisation of new rate revenue?**

- Q20.** Is it not true that the former Mayor Martin and the Deputy General Manager were both made aware of the likelihood of the above mentioned retail issues in advance of the Council's approval to proceed with construction of Stage 1 on the 15<sup>th</sup> March 2016 which subsequently incurred a cost of \$11m from cash reserves and up to \$39m in borrowings?
- Q21.** Were all the other aldermen at that time made fully aware of these same concerns relating to the Living City Stage 2 new northern retail precinct viability prior to the approval of Stage 1 construction?
- Q22.** The following is an extract from "In Support of Progress" NEWSLETTER no. 1909 dated 7<sup>th</sup> April 2019.

**Hobart Retail**

Retail stores are closing in Hobart's CBD. Hobart's Lord Mayor has expressed her concern, believing the problem has been caused by a move to online shopping and fickle consumer demand. She has called on the State Government to "do something". Helpful!. She suggests the government might engage a "business commissioner" to help stem the tide, but what would such a commissioner do exactly? And for whom? Calling for government help sounds a bit like seeking a government handout to me.

The problem could well be closer to home. Remember the time when subsidies were being offered to Myer to stay in the CBD, including underwriting turnover for a period of 5 years. Can you believe it, turnover! I understand Myer is still getting financial support from the Council, while at the same time, heavily discounting its wares, AGAINST the interests of other small businesses who are now walking away from the CBD. Basically, the Council is subsidising Myer's discounting policy. So, Lord Mayor, back to you. What are YOU going to do about that?

Sadly, similar sentiment could be expressed about Living City and Devonport's CBD and therefore my question is what are you intending to do in relation to not only the new northern retail precinct vision currently admitted as having stalled, at best, but revitalising the existing Devonport CBD Mayor?

**Response**

The LIVING CITY Master Plan was launched in late 2014 as a long-term vision for Devonport and the surrounding region. Council outlined that the Plan would roll out over the "next decade and beyond". Four and a half years since the Plan was adopted significant progress has occurred with the construction of both Stage 1 and public and private developments in the southern CBD.

As previously noted, the Waterfront Precinct involving a new hotel and parkland has progressed faster than originally envisaged and is on track for construction to commence later this year. Whilst the relocation of Harris Scarfe signalled the start of development within the retail precinct, it has been acknowledged that development in this area has been slower than envisaged. This is not unusual for such a long-term plan like LIVING CITY; the timing will rarely proceed exactly as predicted.

Council does not deny that the retail sector is cyclic and some major national retailers are currently experiencing difficult times, however in planning for demand Council is attempting to future proof the City to ensure that when new retail opportunities do present in Devonport, that the development occurs within the CBD rather than leading to further fragmentation to the detriment of the City.

**MR GRAEME NEVIN – 145 PERCY STREET, DEVONPORT**

Questions on notice received from Mr Graeme Nevin on 17 April 2019 are **reproduced as attachment 2**.

**DISCUSSION**

In relation to the questions received 17 April 2019, it is proposed Mr Nevin be advised the following:

No.	Question – Graeme Nevin	Response
<b>Head Lease</b>		
1	Are the Council's "standard lease terms" available for inspection?	No.

## Report to Council meeting on 29 April 2019

No.	Question – Graeme Nevin	Response
2	Were Councillors provided with any advice from a legal practitioner specifically about the contents of the draft Head Lease before Councillors resolved to accept the Head Lease?	No.
3	Has the current Head Lessee of Providore Place paid any rent at all to date?	All matters related to the Head Lease with Providore Place Devonport Pty Ltd have been considered by Council in Closed Session. Unless Council determines to the contrary it would be an offence under the <i>Local Government Act 1993</i> to respond to this question.
4	Has Council procured legal advice regarding enforcement of the Head Lease?	All matters related to the Head Lease with Providore Place Devonport Pty Ltd have been considered by Council in Closed Session. Unless Council determines to the contrary it would be an offence under the <i>Local Government Act 1993</i> to respond to this question.
5	Is Council reluctant to commence legal proceedings to recover rental arrears or to terminate the Head Lease because the Head Lease will then be subject to scrutiny and the Council embarrassed as a result?	All matters related to the Head Lease with Providore Place Devonport Pty Ltd have been considered by Council in Closed Session. Unless Council determines to the contrary it would be an offence under the <i>Local Government Act 1993</i> to respond to this question.
6	Given the significance of the Head Lease, namely it was the whole financial foundation for building Providore Place, will Council conduct an independent enquiry regarding the preparation of the Head Lease and the integrity of the advice to Councillors regarding it?	Council would need to formally determine if it wished to pursue an independent enquiry. This would require a Councillor to submit a motion on the Council agenda.
7	Is Council of the view that Council is permitted in closed session under Reg 15(2)(b) of the Local Government (Meeting Procedures) Regulations 2015, to actually confer (as opposed to discussing information) a commercial advantage on a person with whom Council is conducting business?	Yes.
8	Does Council concede (without giving details) that it gave a significant commercial advantage to Providore Place Devonport Pty Ltd at the Council Meeting in closed session on 24 <sup>th</sup> September 2018?	All matters related to the Head Lease with Providore Place Devonport Pty Ltd have been considered by Council in Closed Session. Unless Council determines to the contrary it would be an offence under the

## Report to Council meeting on 29 April 2019

No.	Question – Graeme Nevin	Response
		<i>Local Government Act 1993</i> to respond to this question.
9	Did Council procure legal advice from a legal practitioner before making a decision in closed session on 24 <sup>th</sup> September 2018 regarding the Head Lease?	No.
10	If not did: (a) Council general manager fail to comply with Section 65(1) of the Local Government Act 1993 (as amended) before giving advice/recommendation to Councillors; and (b) Councillors fail to comply with Section 65(2) of the Local Government Act 1993 (as amended) before passing a resolution in closed session on 24 <sup>th</sup> September 2018 regarding the Head Lease?	No.  No.
11	Did Council consider the Head Lease in closed session under item 8.3 of the agenda on 24 <sup>th</sup> September 2018?	All matters related to the Head Lease with Providore Place Devonport Pty Ltd have been considered by Council in Closed Session. Unless Council determines to the contrary it would be an offence under the <i>Local Government Act 1993</i> to respond to this question.
12	Did the agenda of 24 <sup>th</sup> September 2018 note this only as "Food Pavilion Update"?	Item 8.3 on the 24 September 2018 agenda was listed as Food Pavilion Update.
13	Did the "open" council meeting minutes for 24 <sup>th</sup> September 2018: (a) Note the outcome of closed session item 8.3 as only "Update status noted"? and (b) Refer to Reg 15(2)(b) as the only reason for closed session regarding item 8.3?	Yes.  The agenda for the meeting on 24 September 2018 referred to the Regulation 15(2)(b).
14	What were the grounds (reg 15(5)) for closing that part of the meeting relating to item 8.3?	Regulation 15(2)(b) – <i>information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business;</i>
15	In relation to item 8.3 of the meeting 24 <sup>th</sup> September 2018, has Council failed to comply with the Local Government (Meeting Procedures)	No.  While in Closed Session under Regulation 15(2)(8) " <i>the council, is to consider whether any discussions, decisions, reports or documents relating to that closed meeting</i>



## Report to Council meeting on 29 April 2019

No.	Question – Graeme Nevin	Response
	Regulations 2015 regarding its "open" reporting requirements?	<i>are to be kept confidential or released to the public, taking into account privacy and confidentiality issues".</i>  Further, Regulation 15(2)(9) states " <i>Subject to the Right to Information Act 2009, any discussion, decisions, reports or documents relating to a closed meeting are to be kept confidential unless the council or council committee, after considering privacy and confidentiality issues, authorises their release to the public</i> ".
16	Were the closed meeting minutes of 24 <sup>th</sup> September 2018 the subject of a Council initiated enquiry concerning the "leaking" of these minutes?	The Director of Local Government, under Section 339EA(2) of the Act determined to initiate an enquiry relating to the potential breach of the provisions of the <i>Local Government Act 1993</i> .
17	Does the Head Lease include a "confidentiality clause" or does Council simply refuse to answer questions about standard lease terms of the Head Lease based on "closed session"?	All matters related to the Head Lease with Providore Place Devonport Pty Ltd have been considered by Council in Closed Session. Unless Council determines to the contrary it would be an offence under the <i>Local Government Act 1993</i> to respond to this question.
18	Does Council have a policy that whenever it confers a commercial advantage on a person it is conducting business with, it does so in closed session of Council?	No.
19	Has Council to date dealt with all resolutions regarding the Head Lease in closed session?	Yes.
<b>Strata Plan</b>		
20	Has the Strata Plan been lodged with the Land Titles Office? If so when was it lodged?	The Strata Plan for the paranapple centre was lodged by Council's legal representative with the State Revenue Office for assessment of duty in March 2019. It is still awaiting assessment. Once this has occurred the Council's legal representative will take the necessary action to lodge the Plan with the Land Titles Office
21	Is a copy of the Strata Plan available for inspection?	The Strata Plan will be available once it is issued by the Land Titles Office.
<b>State Grant</b>		
22	Is a copy of the State Government Development Grant between Council and the State Government relating to the Living City project available for inspection?	Council sought the advice on the release of the Agreement from the State Government, who advised they do not agree to its release.
<b>Competitive Neutrality</b>		

Report to Council meeting on 29 April 2019

No.	Question – Graeme Nevin	Response
23	Does Council have a policy or criteria for assessing annual rental amount for Council property (leased to businesses) when Council charges or proposes to charge rent at less than market value? If so, is this policy or the criteria available for inspection?	No.
24	Has council established internal procedures to deal with competitive neutrality complaints? If so, what is the procedure for making a complaint?	No.
25	Has Council assessed Providore Place as a “significant business activity” of Council within the meaning of the National Competition Policy?	No.
26	If not, has Council considered whether Providore Place is, or will shortly become a “significant business activity” of Council?	Not at this stage.
27	If part of Providore Place (at the expiry or termination of the current Head Lease) are leased directly by Council, will Council seek qualified valuation advice to determine the market rentals?	This would be a decision for Council at the appropriate time.
28	Will the public be informed if the market rentals differ significantly from those proclaimed in the Funding model?	This would be a decision for Council at the appropriate time.
29	If Council proposes to lease parts of Providore Place at less than market rental will Council ensure this is done fairly and without infringing competitive neutrality?	This would be a decision for Council at the appropriate time.
30	Will Council publicly advertise the areas within Providore Place to be let and the respective rental or will Council only offer leases to selected persons in closed session of Council?	This would be a decision for Council at the appropriate time.

**ATTACHMENTS**

- [1.](#) GMGOV - Question on Notice - Malcolm Gardam - LIVING CITY - 20190411
- [2.](#) GMGOV - Question on Notice - Graeme Nevin - Head Lease - Providore Place - 20190417

## RECOMMENDATION

That Council in relation to the correspondence received from Mr Malcolm Gardam and Mr Graeme Nevin endorse the responses proposed and authorise their release.

Author:	Robyn Woolsey		Endorsed By:	Paul West
Position:	Executive Assistant Management	General	Position:	General Manager

11<sup>th</sup> April 2019

Devonport City Council  
137 Rooke Street  
**DEVONPORT TAS 7310**

Malcolm Gardam  
4 Beaumont Drive  
**MIANDETTA TAS 7310**  
(Mobile No: 0417 355 813)

**ATTENTION: MR. PAUL WEST – GENERAL MANAGER (MAYOR & COUNCILLORS)**

**RE: LIVING CITY – GOVERNANCE AND OPERATIONAL QUESTIONS ON NOTICE (Ref. File 32161)**

Dear Sir,

The following are submitted as questions on notice for the next Ordinary Meeting of Council scheduled for Monday 29<sup>th</sup> April 2019. Please note that separate answers are required for each question.

**Questions 1 to 3 relate to the 800 seat Conference Centre**

- Q1.** Will Council please advise as to what percentage of the total conference centre bookings to date are under 200 attendees and thereby openly competing with local privately run venues of a similar capacity?
- Q2.** Is it true that the Council is offering discounted hire rate for its conference and meeting bookings and thereby openly and unfairly competing with local privately run venues?
- Q3.** Will Council confirm that its conference centre booking initiatives do not breach fair trading legislation and requirements of the Economic Regulator?

**Questions 4 to 6 relate to the Waterfront Precinct**

- Q4.** What is the capital expenditure write-down value for the Waterfront Precinct hotel land sale?
- Q5.** The Council has previously advised that it is contributing \$170,000 towards the demolition of the Harris Scarfe building; accordingly, will council please advise precisely what percentage of the overall area of the Harris Scarfe site this relates to?
- Q6.** In relation to the proposed hotel/private apartments site and the statement that Fairbrother has 18 months to have substantial construction commenced otherwise the Council can buy the site back should the hotel not be built, **does Council have to reimburse Fairbrother for any work undertaken on site or costs incurred if the hotel is not built?** (E.g. including the Fairbrother contribution to the Harris Scarfe demolition)

**Preamble to Waterfront Precinct questions 7 to 18**

I posted the following questions on Councillor Leon Perry's Facebook Page in response to statements he had posted, and in some instances similar statements that have also appeared on the Devonport City Council Facebook Page. Considering that Councillor Perry has in the past been quite prepared to answer questions on behalf of Council but in this instance I have received no response, I have included the specific statements for ease of cross-referencing and hereby request Council's response.

**Q7.** According to Councillor Perry and the DCC Facebook Page *"The hotel is being 100% privately funded by local construction and development firm Fairbrother Pty Ltd, **without any Council subsidy**"* however, **the section of the Harris Scarfe site was purchased at about \$1705/m2 has been sold to Fairbrother for about \$509/m2; accordingly, does Council not see this as a form of subsidy?**

**Q8.** A summary of what are arguably council subsidies is:-

- Land for hotel/private apartments purchased from Council at a discounted m<sup>2</sup> rate compared to its procurement and other costs incurred.
- Initial hotel/private apartments detailed design concept drawings paid by Council.
- Two consultant hotel-demand analysis reports paid by Council.
- Traffic assessment that was heavily focused on the impacts from the hotel/private apartments and normally required from a developer paid by Council.
- Service road for hotel/private apartments that enabled the Fairbrother Application for Planning Permit to be conforming (**arguably otherwise would have had to be provided at developer cost**), to be constructed and maintained at Council's cost.

Despite Council stating in writing that some of these costs would be a consideration as part of the land sale I see no evidence of that in the sale price. **Under normal circumstances a developer would choose which of these would be undertaken and accordingly bear all costs; therefore would Council not see any of these costs in isolation or in part as a form of subsidy to a private developer?**

**Q9.** According to Councillor Perry *"Fairbrother won the right to purchase the land through an open public expression of interest process"* and according to previous Mayor Martin supposedly in a six way contest against other hotel developer submissions, yet Council including Councillor Perry refuses to confirm that there were six expressions of interest from HOTEL DEVELOPERS and in fact refuses to say how many hotel developers there were at all; accordingly, **why is this the case when the General Manager has stated a new hotel (and 12 private apartments) will commence in about 2 months does the actual number of hotel developer EOI's received remain a secret?**

**Q10.** According to Councillor Perry *"The hotel land represents approx. 10% of the total Waterfront Precinct with the balance being developed into attractive public space. For comparison purposes it should be noted that previously, 36% of the designated area was in private ownership;"* accordingly, **how much of the 36% of the previous privately owned property does the total Fairbrother hotel/private apartments site equate to?**

- Q11.** According to Councillor Perry a similar representation on the DCC Facebook Page *"The hotel will have a right of way onto the hotmix area under the walkway. This has been incorrectly touted as a dedicated service road just for the hotel - it isn't. If the hotel did not have this access that area would still be developed in the same manner – the hotmix area would still be there"* The right of way (Service Road) that will service the Hotel/Private Apartments parking, deliveries and garbage collection etc. has also been offered by Council as providing a necessary access to the parkland and maintenance of the elevated walkway; accordingly, **what essential access purposes does this "right of way" provide to the new area of parkland that will not be available off Rooke Street and Formby Road and the specific truck access provisions (protected by removable bollards) leading to the Amphitheatre?**
- Q12.** Would an asphalt sealed "Right of Way" (Service Road) still be included in this location and configuration if a hotel was not going to be built?
- Q13.** If so important as a service provision for Council assets, **why is there not a Service Road being constructed under the elevated walkway from Formby Road to the river to not only maintain the elevated walkway but also for access (including emergency services) to the playground, BBQ area and toilets as well?**
- Q14.** Would the elevated walkway still be in the same location and configuration if the hotel was not going to be built?
- Q15.** Was Fairbrother's hotel Application for Planning Permit conforming without Council having provided the Right of Way roadway?
- Q16.** Did Council approve the hotel Application for Planning Permit before it had approved the Recreational Parkland Application for Planning Permit and had actually pre-empted approval of a Council funded right of way (service road)?
- Q17.** According to Councillor Perry *"Council will receive significant rate revenue from the hotel once it is completed"* **however, will Council acknowledge the off-set lost revenue from the loss of two existing tenants and the cost to relocate Harris Scarfe when promoting this new rate revenue?**
- Q18.** My understanding is that \$3m has been allocated for primarily the Waterfront Precinct in the 2018-2019 budget; will Council please advise where the publicly stated full \$5m from cash reserves has been approved by Council?

**Questions 19 to 22 relate to the Stage 2 New Northern Retail Precinct**

- Q19.** Mayor, are the councillors fully aware as to recent articles being ABC News 15/3/19 *"Are "big box" retailers dinosaurs of shopping, left behind by evolution and facing extinction"* and The Australian 15/3/19 *"Big W could be forced to close a third of its 183 stores: Macquarie"* in relation to how market pressures are affecting "big box retailers" and Big W.
- Concerning statements in those articles are and always have been reasonably foreseeable:

*"But the biggest problem is the unstoppable force descending from the digital world." Online selling – with its vast range and wafer-thin margins is already casting a massive shadow over big box retailing."*

*"Struggling bargain chain store Big W could be forced to close a third of their 183 stores Australia-wide due to falling profits."*

*"The retail chain has been underperforming and ringing up large losses for several years as it faces intense competition within the discount department store space, especially from Kmart and Target." (Devonport already had those stores as well as Harris Scarfe)*

*"Big W is highly exposed to regional areas.....it is unlikely these locations will enable Big W to regain the momentum required for profitability," it said. (why would Big W establish in Devonport?)*

*"Given significant closure costs for the portfolio, a more likely scenario is Woolworths to close up to one-third of its stores (60 stores), in our view. This cost could be around \$759 million."*

In addition, Council has to look no further than a business article in The Advocate dated 2/4/19 that reported *"Woolworth will close about 30 underperforming Big W stores and two distribution centres over the next 3 years after shoppers took their business online."*

Given the former Mayor Steve Martin and the Deputy General Manager were reportedly made fully aware of these massive impediments to getting a Discount Department Store to establish in its Living City Stage 2 new northern retail precinct, in advance of approving Stage 1 construction, and has never provided a Plan B for this area and instead relying on a single concept (Living City new northern retail precinct), **does council intend to develop an alternate use for this acquired "retail space" through the massively expensive removal and replacement of existing public infrastructure, or just wait while the ratepayers carry the costs associated with the failure to date to attract a firm commitment from retail developers and the subsequent non-realisation of new rate revenue?**

- Q20.** Is it not true that the former Mayor Martin and the Deputy General Manager were both made aware of the likelihood of the above mentioned retail issues in advance of the Council's approval to proceed with construction of Stage 1 on the 15<sup>th</sup> March 2016 which subsequently incurred a cost of \$11m from cash reserves and up to \$39m in borrowings?
- Q21.** Were all the other aldermen at that time made fully aware of these same concerns relating to the Living City Stage 2 new northern retail precinct viability prior to the approval of Stage 1 construction?

- Q22.** The following is an extract from "In Support of Progress" NEWSLETTER no. 1909 dated 7<sup>th</sup> April 2019.

### **Hobart Retail**

Retail stores are closing in Hobart's CBD. Hobart's Lord Mayor has expressed her concern, believing the problem has been caused by a move to online shopping and fickle consumer demand. She has called on the State Government to "do something". Helpful! She suggests the government might engage a "business commissioner" to help stem the tide, but what would such a commissioner do exactly? And for whom? Calling for government help sounds a bit like seeking a government handout to me.

The problem could well be closer to home. Remember the time when subsidies were being offered to Myer to stay in the CBD, including underwriting turnover for a period of 5 years. Can you believe it, turnover! I understand Myer is still getting financial support from the Council, while at the same time, heavily discounting its wares, AGAINST the interests of other small businesses who are now walking away from the CBD. Basically, the Council is subsidising Myer's discounting policy. So, Lord Mayor, back to you. What are YOU going to do about that?

Sadly, similar sentiment could be expressed about Living City and Devonport's CBD and therefore my question is what are you intending to do in relation to not only the new northern retail precinct vision currently admitted as having stalled, at best, but revitalising the existing Devonport CBD Mayor?

I again apologise for the quantum of questions but considering the design work on the new Waterfront Parkland and other Living City governance matters continues it is important to ask these questions for those interested in Council's management of our municipality.

Please acknowledge receipt and ensure inclusion in full in the next meeting Agenda.

Yours sincerely,

Malcolm Gardam

CC: Mayor & Councillors



Mr G Nevin  
145 Percy Street  
Devonport 7310  
17/04/2019

Devonport City Council  
137 Rooke Street  
Devonport Tas 7310

ATTENTION: Mr. P West – General Manager  
Mayor & Councillors

RE: Questions on notice Council Meeting 29<sup>th</sup> April 2019

The following questions on notice are submitted for the next Ordinary Meeting of Council scheduled for Monday 29th April 2019.

Lengthy explanations are not required for all questions, most questions may be dealt with by simple yes /no responses to save time and resources, if you wish.

In the following questions:

"Head Lease" refers to the lease between Devonport City Council and Providore Place Devonport Pty Ltd regarding Providore Place;

"Strata Plan" refers to the Strata Plan for the strata subdivision of Providore Place.

**Head Lease**

1. Are the Council's "standard lease terms" available for inspection?
2. Were Councillors provided with any advice from a legal practitioner specifically about the contents of the draft Head Lease before Councillors resolved to accept the Head Lease ?
3. Has the current Head Lessee of Providore Place paid any rent at all to date?
4. Has Council procured legal advice regarding enforcement of the Head Lease?
5. Is Council reluctant to commence legal proceedings to recover rental arrears or to terminate the Head Lease because the Head Lease will then be subject to scrutiny and the Council embarrassed as a result?
6. Given the significance of the Head Lease, namely it was the whole financial foundation for building Providore Place, will Council conduct an independent enquiry regarding the preparation of the Head Lease and the integrity of the advice to Councillors regarding it?
7. Is Council of the view that Council is permitted in closed session under Reg 15(2)(b) of the Local Government (Meeting Procedures) Regulations 2015, to actually confer (as opposed to discussing information) a commercial advantage on a person with whom Council is conducting business?

8. Does Council concede (without giving details) that it gave a significant commercial advantage to Providore Place Devonport Pty Ltd at the Council Meeting in closed session on 24th September 2018?
9. Did Council procure advice from a legal practitioner before making a decision in closed session on 24th September 2018 regarding the Head Lease?
10. If not, did :
  - a. Council general manager fail to comply with Section 65(1) of the Local Government Act 1993 ( as amended) before giving advice/recommendation to Councillors ; and,
  - b. Councillors fail to comply with Section 65(2) of the Local Government Act 1993 ( as amended) before passing a resolution in closed session on 24<sup>th</sup> September 2018 regarding the Head Lease?
11. Did Council consider the Head Lease in closed session under item 8.3 of the agenda on 24th September 2018?
12. Did the agenda of 24<sup>th</sup> September 2018 note this only as 'Food Pavilion Update'?
13. Did the "open" council meeting minutes for 24<sup>th</sup> September 2018:
  - a. note the outcome of closed session item 8.3 as only "Update status noted"?;and,
  - b. refer to Reg 15(2)(b) as the only reason for closed session regarding item 8.3?
14. What were the grounds [ reg 15(5)] for closing that part of the meeting relating to item 8.3?
15. In relation to item 8.3 of the meeting 24<sup>th</sup> September 2018, has Council failed to comply with the Local Government ( Meeting Procedures) Regulations 2015 regarding its "open" reporting requirements ?
16. Were the closed meeting minutes of 24<sup>th</sup> September 2018 the subject of a Council initiated enquiry concerning the "leaking" of these minutes?
17. Does the Head Lease include a "confidentiality clause" or does Council simply refuse to answer questions about standard lease terms of the Head Lease based on "closed session"?
18. Does Council have a policy that whenever it confers a commercial advantage on a person it is conducting business with, it does so in closed session of Council?
19. Has Council to date dealt with all resolutions regarding the Head Lease in closed session?

**Strata Plan**

20. Has the Strata Plan been lodged with the Land Titles Office? If so when was it lodged?
21. Is a copy of the Strata Plan available for inspection?

**State Grant**

22. Is a copy of the State Government Development Grant between Council and the State Government relating to the Living City project available for inspection?

**Competitive Neutrality**

23. Does Council have a policy or criteria for assessing annual rental amounts for Council property ( leased to businesses) when Council charges or proposes to charge rent at less than market value? If so, is this policy or are the criteria available for inspection?
24. Has council established internal procedures to deal with competitive neutrality complaints? If so, what is the procedure for making a complaint?

25. Has Council assessed Providore Place as a "significant business activity" of Council within the meaning of the National Competition Policy?
26. If not, has council considered whether Providore Place is, or will shortly become a "significant business activity" of Council?
27. If parts of Providore Place (at the expiry or termination of the current Head Lease) are leased directly by Council, will Council seek qualified valuation advice to determine the market rentals?
28. Will the public be informed if the market rentals differ significantly from those proclaimed in the Funding model?
29. If Council proposes to lease parts of Providore Place at less than market rental will Council ensure this is done fairly and without infringing competitive neutrality?
30. Will Council publicly advertise the areas within Providore Place to be let and the respective rental or will Council only offer leases to selected persons in closed session of Council?

Regards,

Graeme Nevin

A handwritten signature in black ink, appearing to be 'Graeme Nevin', written over the printed name.

**3.2.3 Question without notice from the public**

### **3.3 QUESTIONS ON NOTICE FROM COUNCILLORS**

At the time of compilation of the agenda, no questions had been received from Councillors.

## **4.0 PLANNING AUTHORITY MATTERS**

There are no items in this agenda to be considered by Council in its capacity as a Planning Authority.

## **5.0 REPORTS**

### **5.1 REVIEW OF STRATEGIC PLAN 2009-2030**

**File: 26614 D571681**

#### **RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

- Strategy 5.3.5 Maintain and monitor a fully integrated strategic and business planning process that meets legislative requirements and provides an increased performance management reporting capacity across the whole organisation and with external stakeholders

#### **SUMMARY**

Following a consultation process, this report presents the revised Strategic Plan 2009-2030, and seeks formal adoption by Council.

#### **BACKGROUND**

The Strategic Plan ("the Plan") outlines the desired objectives and goals of the community. The current Plan was originally adopted in 2009 and formally reviewed in April 2014. Council at its September 2018 meeting approved a formal review of the Plan and the proposed consultation and engagement action plan.

Consultation commenced in November 2018 and concluded in March 2019. The review process did not commence until November due to the Council elections, which allowed incoming Councillors the opportunity to provide their input and direction for the Plan.

#### **STATUTORY REQUIREMENTS**

In accordance with Section 66 of the *Local Government Act 1993*, Council is required to prepare a strategic plan for the municipal area and updated it as required.

#### **DISCUSSION**

Council's Strategic Plan is comprised of two main parts:

1. Vision/Mission/Values
2. Goals/Outcomes/Strategies

The vision, mission and values articulate Council's purpose and objectives, and set the framework for Council. These statements help quantify the community's aspirations and establish important objectives for Council to focus its attention.

A review of the vision and mission concluded they both remained relevant and representative. The vision and mission statements were developed with significant community input, and as such reflect the community's direction for Devonport. The values were significantly reviewed in 2014 and remain current.

As the Plan has now been in place for 10 years, it was appropriate and timely to focus the review on the goals, outcomes and strategies section of the Plan. Some strategies and outcomes were no longer relevant or had become redundant; some areas were not adequately represented; whilst others have progressed and required re-wording to ensure the focus was updated to reflect their current status. There were no changes made to the Goals, given they too were developed by the community and remain relevant over-arching

objectives. Definitions relating to some of the Goals however were amended, to more precisely define the Goal's objective and aim.

Feedback received provided evidence that there remains high level support of Council's key Goals. Respondents in both Council's Speak Up Survey and questions asked as part of a broader Community Survey (conducted by EMRS) provided evidentiary support for this conclusion.

Results by source:

- **Speak Up Survey** – Outcomes for each Goal were surveyed during November and December 2018, to determine the community's priorities for each key area. 31 respondents completed the survey. The results were:
  - Goal 1 – Living Lightly on our Environment - priority outcome area - "Our waste and pollution is reduced" (32.14%);
  - Goal 2 – Building a Unique City - priority outcome area - "Promote the development of the CBD in a manner which achieves the LIVING CITY Master Plan" (35.48%);
  - Goal 3 – Growing a Vibrant Economy - priority outcome area - "Devonport's thriving visitor industry is developed around water, natural beauty, location and agricultural advantages of the area" (48.15%);
  - Goal 4 – Building Quality of Life - priority outcome area - "Sport and recreation facilities and programs are well planned with strong participation" (23.08%); and
  - Goal 5 – Practicing Excellence in Governance - priority outcome area - "Active and purposeful community engagement and participation is integral to our work" (25.93%)
- Listening Post responses (paper-based forms that asked the same question as the Speak Up Devonport online survey) were completed and returned to Council from the Listening Posts that were held. From these, the following Outcomes were identified as the priority area for each Goal respectively:
  - Goal 1 – "Water is actively conserved";
  - Goal 2 – "The infrastructure priorities to support the development of our unique City are planned and appropriately funded and maintained";
  - Goal 3 – "Devonport's thriving visitor industry is developed around the water, natural beauty, location and agricultural advantages of the area";
  - Goal 4 – "Our community and visitors are safe and secure in all aspects"; and
  - Goal 5 – "Council's services are financially sustainable long term".
- **EMRS Poll** – 600 people were interviewed between the 14-18 February 2019. Results (classified as priority areas for Council over the next few years) were:
  - Growing a Vibrant Economy – 35%;
  - Building Quality of Life – 32%;
  - Living Lightly on Our Environment – 17%;
  - Building a Unique City – 15%;
  - Practicing Excellence in Governance – 13%



Review and consultation with Management and Councillors were held via Workshop sessions, and their input contributed to the revised outcomes.

### **COMMUNITY ENGAGEMENT**

Community engagement was planned, developed and undertaken in line with Council's Community Engagement Policy. Given the Strategic Plan is Council's guiding document, the level of impact of the Plan is high and it is therefore considered of significant value and interest to the community.

Community engagement was undertaken over a 17-week period commencing 16 November 2018 and concluding 18 February 2019. Consultation included:

- Council's Website – The review of the Plan was featured on Council's website and information was available on the Strategic Plan Review survey at Speak Up Devonport;
- Online Surveys at [www.speakupdevonport.com.au](http://www.speakupdevonport.com.au) and hard copy surveys were available from Council's Customer Service and at Listening Posts;
- Media Releases – releases were distributed to all newspaper and radio outlets and were well reported in The Advocate;
- Council's Facebook Page – the page was updated on numerous occasions advising the survey and promoting the Listening Posts. Similar material was uploaded to Twitter;
- Listening Posts – Listening Posts were held on 10<sup>th</sup>, 11<sup>th</sup> and 14<sup>th</sup> of December 2018, in the Four Ways, the Rooke Street Mall and East Devonport (Wright Street shopping precinct). Approximately 50 people visited the listening posts. No issues directly regarding the Strategic Plan were raised, but significant interest and discussion was had in regard to other projects and activities currently being undertaken by Council;
- EMRS Survey - Council engaged Tasmanian pollster EMRS to undertake a telephone poll to gauge the community's perceptions of its customer service, infrastructure delivery and its LIVING CITY project. EMRS called a sample of 600 Devonport residents commencing Wednesday 14 February with the initial findings provided to Council on Monday 25 February and the final full report in March.

### **FINANCIAL IMPLICATIONS**

#### **Operating Budget**

\$30,000 was allocated in the 2018/19 budget to undertake the review of the Plan. To date costs incurred are \$14,850, which includes the EMRS survey. The review process has been managed internally, rather than engaging an external consultant.

The majority of review processes have been managed and undertaken by Council employees. This includes the development of the Community Engagement Plan; promotional and document design work (including the finalised Plan); and use of Council's own digital technology sources, including Facebook, Twitter and website, to promote and consult. Community consultation and engagement, including the Speak Up Devonport Survey and three Listening Posts were undertaken by Council staff and elected members. A telephone survey, conducted by EMRS, included questions specifically related to the Strategic Plan.

#### **Capital Expenditure**

There is not expected to be any impact on Council's capital budget as a result of the adoption of the updated Strategic Plan.

### Long Term Financial Plan

Items in the Strategic Plan will have financial implications in the future but have been factored into the Long Term Financial Plan where they are known.

### RISK IMPLICATIONS

- Legal Compliance  
Council would potentially be in breach of the *Local Government Act 1993* should it not meet its statutory requirements in regard to reviewing the Strategic Plan.

### CONCLUSION

Based on comprehensive consultation, engagement, and feedback received, the reviewed Strategic Plan 2009-2030 has been updated to ensure it remains a representational and aspirational document that will continue to guide Council activities, operations and services into the future.

### ATTACHMENTS

- [1.](#) DRAFT - Reviewed Strategic Plan - April 2019

### RECOMMENDATION

That Council:

- (a) Receive and note the report relating to the review of the Strategic Plan; and
- (b) adopt the updated Strategic Plan 2009-2030 with immediate effect.

Author:	Claire Jordan	Endorsed By:	Paul West
Position:	Governance Officer	Position:	General Manager



Devonport City Council  
Strategic Plan 2009-2030







Document Image Credits: Cradle Coast Marketing Group; LIVING CITY Images - Peter Bennetts (Architects - Lyons with Maddison Architects and Birrelli). Please consider the environment before printing this document

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DCC Strategic Plan - Adopted: 18 June 2009

Revised DCC Strategic Plan - Adopted: XX April 2019

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# VISION

**Devonport will be a thriving and welcoming regional City, living lightly by river and sea.**

**Strong, thriving and welcoming** - Devonport is a regional leader with a strong economy. It is a great place to live, work and play.

**Valuing the past, caring for the present, embracing the future** - We have been shaped by a rich cultural heritage and enthusiastically embrace present challenges and future opportunities.

**Engaging with the world** - We have an outward focus and send quality products and experiences to the world. We welcome all to share our beautiful City and all it offers.

**Living lightly by river and sea** - We live lightly on our valued natural environment of clean rivers, waterways and beaches; rich agricultural land; and coastal landscapes so future generations can also enjoy this special place.

# MISSION

**A commitment to excellence in leadership and service.**

# VALUES

**We value:**

## **Continuous Improvement and Innovation**

We will continually evaluate current practices and changing needs to foster an adaptive and innovative environment.

## **Customer Satisfaction**

We will strive to consistently engage and communicate with our internal and external customers to meet desired outcomes.

## **Leadership**

We will embrace a culture of equity and leadership founded on respect, professionalism and integrity, to ensure we make strategic decisions today for tomorrow.

## **Results and Accountability**

We will be results focused and take pride in our successes and efforts and be accountable for our actions.

## **Our People**

We will respectfully work together by recognising each other's talents, skills, experience and knowledge.



# Goal 1

## LIVING LIGHTLY ON OUR ENVIRONMENT

Through the integration of sustainable practices, we will ensure Devonport's viability socially, economically and environmentally, preserving our natural geography and landscapes for future generations. Planned and sustainable management of energy, air, water and waste will assist in the delivery of a healthy environment.





# Outcomes & Strategies

## 1.1 Devonport is an energy efficient City

- 1.1.1 Lead and actively promote the adoption of practices that support the sustainable use of energy and other natural resources by Council, businesses and the community
- 1.1.2 Investigate innovative ways of accessing alternative power sources including renewable energy

## 1.2 Sustainability is promoted and integrated across all sectors

- 1.2.1 Support the conservation and maintenance of biodiversity including coastal landscapes and preservation of areas of remnant vegetation
- 1.2.2 Develop and implement local and regional policies and initiatives to mitigate climate change impacts in partnership with all spheres of Government

## 1.3 “Living lightly” is promoted and encouraged

- 1.3.1 Identify and implement initiatives to educate and encourage our community on opportunities to “live lightly”

## 1.4 Our energy use is reduced

- 1.4.1 Promote reduction, re-use and recycling options to minimise waste materials within Council, the community and businesses
- 1.4.2 Facilitate, and where appropriate, undertake improvements in waste and recycling collection, processing services and facilities
- 1.4.3 Lead and actively promote emissions minimisation

## 1.5 Water is actively conserved and well managed

- 1.5.1 Promote sustainable water usage and water quality management

# Goal 2

## BUILDING A UNIQUE CITY

Devonport continues to develop its uniqueness as a City. The City's location provides a desirable position and ready-made advantages to guide future development and urban design. Land use planning and building on current strengths shall assist in the creation of precincts linking the river and coast, and offer a range of cultural, recreational and entertainment experiences. Strategic branding and marketing will underpin future development and growth, promoting the City as the place to live, invest, work, shop and visit.



# Outcomes & Strategies

## 2.1 Council's Planning Scheme facilitates appropriate property use and development

- 2.1.1 Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- 2.1.2 Provide consistent and responsive development assessment and compliance processes
- 2.1.3 Work in partnership with neighbouring councils, State Government and other key stakeholders on regional planning and development issues

## 2.2 The Devonport brand supports our marketing and promotion

- 2.2.1 Maintain a local brand that supports our competitive advantages
- 2.2.2 Develop an integrated approach to local branding in partnership with business and community groups

## 2.3 Infrastructure priorities support well planned, managed and appropriately funded development within our unique City

- 2.3.1 Develop and maintain long term Strategic Asset Management Plans
- 2.3.2 Provide and maintain roads, bridges, paths and car parks to appropriate standards
- 2.3.3 Provide and maintain stormwater infrastructure to appropriate standards
- 2.3.4 Provide and maintain Council buildings, facilities and amenities to appropriate standards
- 2.3.5 Provide and maintain sustainable parks, gardens and open spaces to appropriate standards

## 2.4 Promote the development of the CBD in a manner which achieves the LIVING CITY Principles Plan

- 2.4.1 Implement initiatives from the LIVING CITY Master Plan
- 2.4.2 Lobby and attract Government support to assist with the implementation of the LIVING CITY Master Plan
- 2.4.3 Implement initiatives to encourage private investment aligned with the outcomes of the LIVING CITY Master Plan





# Goal 3

## GROWING A VIBRANT ECONOMY

Devonport's location supports its position as the service and retail centre for North West Tasmania. Accessibility in, around and out of the City will be supported by sound planning and management. Devonport's natural beauty, its location as the sea gateway to Tasmania and home of the Spirit of Tasmania, provides the foundations for developing experiences and unique events to attract and retain visitors. Rich agricultural surrounds provide the opportunity to further develop food production, processing and experiences. With modern communication technology, Devonport engages with the world's markets, consumers and travellers.





# Outcomes & Strategies

## 3.1 Devonport is the business, service and retail centre for North West Tasmania

3.1.1 Market and promote the City as a regional business, service and retail hub

## 3.2 Devonport's visitor industry is developed around its natural assets, history and location

3.2.1 Support tourism through the provision of well designed and managed infrastructure and facilities

3.2.2 Support regional tourism development through productive relationships with regional partners and State and Federal Government

3.2.3 Facilitate a pro-active approach by business to embrace tourism opportunities

3.2.4 Promote our natural environment and assets to underpin tourism opportunities

3.2.5 Support festivals, events and attractions that add value to the City's economy

## 3.3 Access in to, out of, and around the City is well planned and managed

3.3.1 Improve the City's physical access and connectivity focusing on linkages to and from key access points

## 3.4 Our economic progress continuously improves

3.4.1 Work in partnership with industry and government to identify needs of business and industry to pursue opportunities, which fosters economic development in the area

3.4.2 Promote, encourage and develop initiatives that support the local economy

# Goal 4

## BUILDING QUALITY OF LIFE

The quality of life enjoyed by the community depends largely on its connectedness, access to a range of community services and facilities, and the degree to which people feel safe, secure and included. Provision of education and health services are vital to the well-being of the community, as are recreational and community facilities for sport and individual pursuits, cultural activities which assist people to connect and engage with each other in developing a strong sense of belonging, community spirit and quality of life.





# Outcomes & Strategies

## 4.1 Sport and recreation facilities and programs are well planned to meet community needs

- 4.1.1 Provide and manage accessible sport, recreation and leisure facilities and programs
- 4.1.2 Increase the utilisation of sport and recreation facilities and multi-use open spaces
- 4.1.3 Promote passive recreational usage including walking, bike paths, trails, parks and playspaces
- 4.1.4 Build capacity of the sport and recreation sector

## 4.2 A vibrant City is created through the provision of cultural activities, events and facilities

- 4.2.1 Acknowledge, preserve and celebrate local art, culture and heritage
- 4.2.2 Cultural facilities and programs are well planned and promoted to increase accessibility and sustainability
- 4.2.3 Develop and implement an integrated approach to public art

## 4.3 Heritage is valued

- 4.3.1 Develop and implement initiatives to preserve and maintain heritage buildings, items and places of interest

## 4.4 Our community and visitors are safe and secure

- 4.4.1 Support the community in emergency management response and recovery
- 4.4.2 Coordinate and promote effective management of animals
- 4.4.3 Encourage safe and responsible community behaviour
- 4.4.4 Support a collaborative approach to community safety

## 4.5 Education and learning is accessible and responsive

- 4.5.1 Support the provision of facilities and services that encourage lifelong learning, literacy and meet the information needs of the community

## 4.6 Integrated health and wellbeing services and facilities are accessible to all

- 4.6.1 Facilitate and advocate for child and family support services
- 4.6.2 Facilitate and advocate for services for seniors in the community
- 4.6.3 Provide quality public and environmental health services
- 4.6.4 Develop partnerships between all levels of government, the private and not for profit sectors that deliver innovative solutions

## 4.7 An engaged community promotes and values diversity and equity

- 4.7.1 Develop and implement community development opportunities which strengthen community capacity
- 4.7.2 Encourage opportunities for active participation in community life
- 4.7.3 Promote the equitable distribution and sharing of resources throughout the community that supports the delivery of quality outcomes
- 4.7.4 Advocate for and provide access to quality services, facilities, information and activities that celebrate and promote diversity and harmony which supports engagement, participation and inclusivity

## 4.8 Young people are recognised and valued allowing them to reach their full potential

- 4.8.1 Promote programs that encourage youth participation, engagement in decision making, development and leadership
- 4.8.2 Provide, promote and advocate for appropriate and accessible services, information, facilities, activities and spaces for young people
- 4.8.3 Assist in the development, promotion and celebration of young people

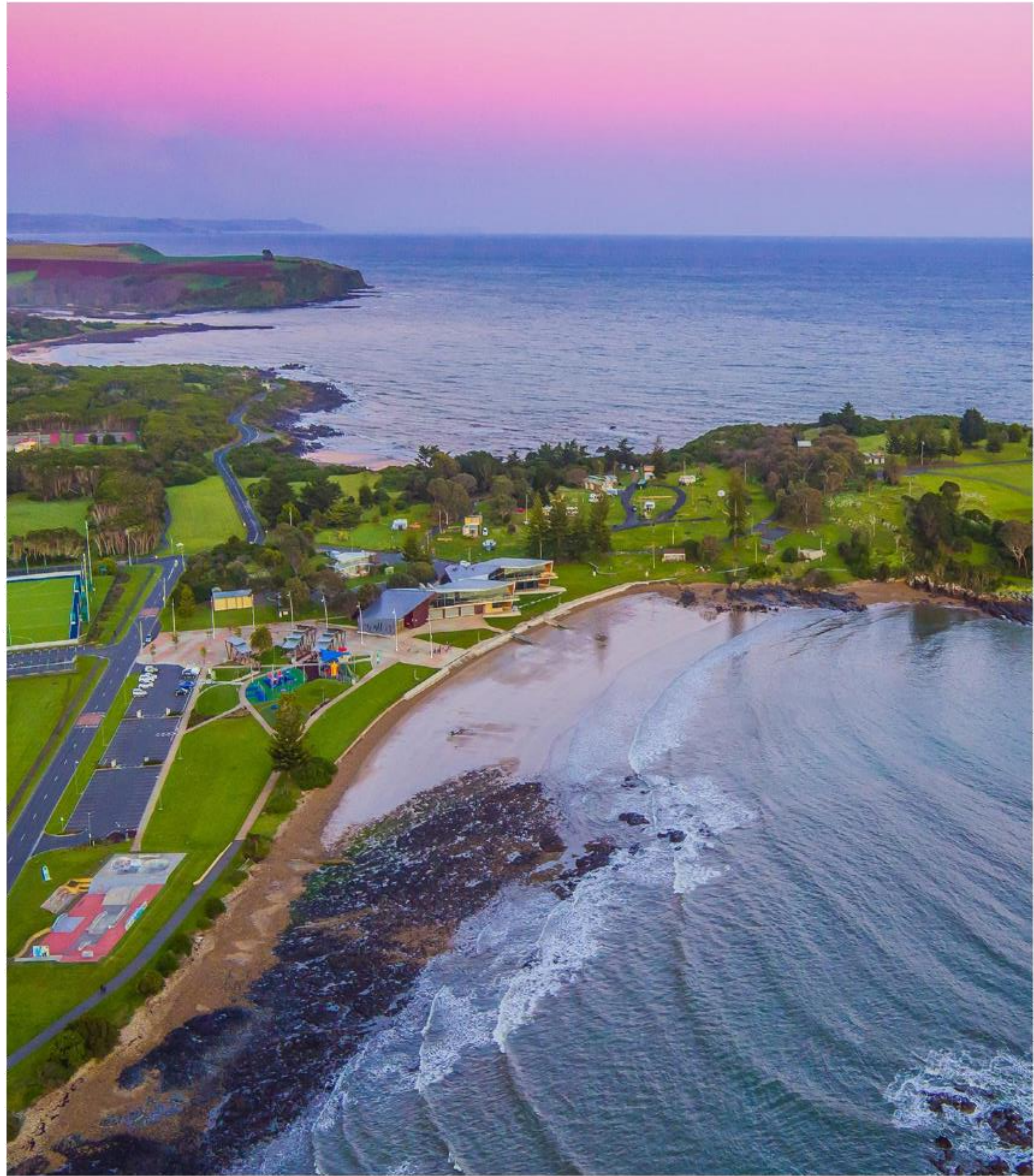




# Goal 5

## PRACTICING EXCELLENCE IN GOVERNANCE

The changing role of local government contributes to the importance of regional cooperation and resource sharing, to deliver cost effective services to communities. Devonport ensures that it has best practice governance processes and systems in place to help provide leadership and develop the skills and performance of the Council. Close liaison and strategic alliances across the three tiers of government continue to be developed and sustained to ensure the future aspirations of the Devonport community can be achieved.



# Outcomes & Strategies

## 5.1 Regional co-operation is achieved through purposeful participation

- 5.1.1 Promote open communication and cooperation whilst representing Council at a regional, state and national level
- 5.1.2 Pursue opportunities for cooperative initiatives including resource sharing with other councils, organisations and community groups
- 5.1.3 Develop and maintain partnerships and advocate for improved service provision, funding and infrastructure that balances the needs of industry, business, community, government and the environment

## 5.2 Promote active and purposeful community engagement and participation

- 5.2.1 Encourage community participation initiatives that supports two-way communication and consultation which results in increased engagement
- 5.2.2 Develop an integrated approach to "volunteerism" in our community

## 5.3 Council looks to employ best practice governance

- 5.3.1 Review and amend structures, policies and procedures to adapt to changing circumstances
- 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions
- 5.3.3 Encourage increased community participation in Council elections
- 5.3.4 Ensure effective administration and operation of Council's committees
- 5.3.5 Maintain and monitor a fully integrated strategic and business planning process
- 5.3.6 Integrate continuous improvement behaviours into the organisation's culture

## 5.4 Council is recognised for its customer service delivery

- 5.4.1 Provide timely, efficient, consistent services which are aligned with and meet customer needs
- 5.4.2 Monitor and evaluate Council's service standards
- 5.4.3 Manage customer requests and complaints with a view to continual improvement of service delivery
- 5.4.4 Provide professional administrative services to support effective and efficient operations

## 5.5 Council's services are financially sustainable

- 5.5.1 Provide financial services to support Council's operations and meet reporting and accountability requirements
- 5.5.2 Ensure comprehensive financial planning and reporting to guarantee sustainability and meet or exceed financial targets

## 5.6 Risk management is a core organisational focus

- 5.6.1 Ensure safe work practices through adherence to Work Health and Safety standards
- 5.6.2 Comply with Council's Risk Management Framework
- 5.6.3 Provide internal and external audit functions to review Council's performance
- 5.6.4 Climate change and adverse weather associated risks and their mitigation are key considerations in Council decision making
- 5.6.5 Ensure compliance with all relevant legislative requirements, standards, policies and procedures

## 5.7 Skilled, engaged and motivated employees have a supportive environment

- 5.7.1 Provide opportunities for the development of Council employees
- 5.7.2 Implement human resource management plans and strategies to meet current and future workforce needs
- 5.7.3 Ensure Human Resource policies, procedures and management systems support effective Council service delivery

## 5.8 Information management and communication enhances Council's operations and delivery of services

- 5.8.1 Provide efficient, effective and secure information management services that support Council's operations
- 5.8.2 Ensure access to Council information that meets user demands







## **5.2 TENDER REPORT CONTRACT CT0198 MERSEY BLUFF PEDESTRIAN LINKS**

**File: 33872 D573212**

### **RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

Strategy 2.3.1 Provide and maintain roads, bridges, footpaths, bike paths and car parks to appropriate standards

### **SUMMARY**

This report seeks Council's approval to award Contract CT0198, Mersey Bluff pedestrian Links to Hardings Hotmix for a lump sum of \$167,373.

### **BACKGROUND**

This report considers tenders received for "Mersey Bluff Pedestrian Links" listed within the 2018/19 capital expenditure budget.

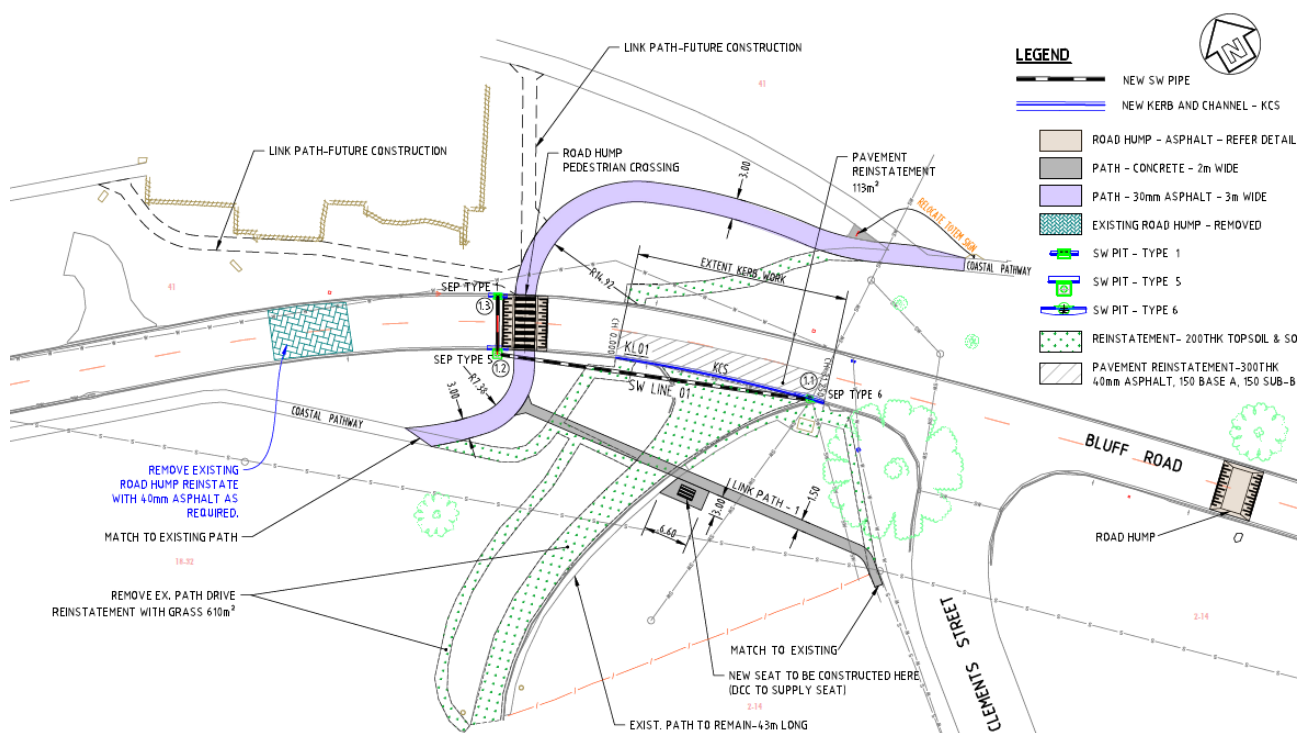
This project involves the implementation of the high priority actions from the Mersey Bluff Traffic, Parking and Pedestrian Study (the Study), received in 2018.

Outcomes of the Study were workshopped with Councillors and the following scope of works for this financial year was suggested. It was noted that the scope exceeds what was previously planned and will require additional funding from savings on other transport projects within the 2018/19 financial year.

### **Project Scope**

- New pedestrian crossing facilities between Meercroft Park and Mersey Bluff
- New pedestrian crossing facilities near Clements Street
- Installation of new and improved signage for pedestrian and road users.

The work will improve pedestrian access across Bluff Road, making crossing the road safer and accessible to all. Road crossings will have pedestrian priority, which creates a pedestrian friendly environment and promotes the Coastal Pathway and the use of the Meercroft Park car park by visitors to Mersey Bluff.



Proposed improvements near Clements St

### STATUTORY REQUIREMENTS

Council is required to comply with Section 333A of the *Local Government Act 1993* and its adopted Code for Tenders and Contracts when considering awarding tenders.

### DISCUSSION

In accordance with Council's Code for Tenders and Contracts, a Tender Planning and Evaluation Committee was formed to evaluate the tenders received.

Tenders were received from six companies. All tenders received were conforming tenders and are summarised in table 1.

TABLE 1

No.	Tender	Status	Tender Price (ex GST)
1	Hardings Hotmix Pty Ltd	Conforming	\$167,373
2	Oliver/Kelly Construction	Conforming	\$173,327
3	Stornoway	Conforming	\$181,680
4	CBB Contracting	Conforming	\$187,569
5	Kentish Construction and Engineering Company Pty Ltd (trading as Treloar Transport)	Conforming	\$262,994
6	Downer EDI Works Pty Ltd	Conforming	\$374,341

The Tender Planning and Evaluation Committee have considered the tenders against each of the selection criteria, these being:

- Relevant Experience

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**Report to Council meeting on 29 April 2019**


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- Quality, Safety and Environmental Management
- Methodology
- Price

The evaluation by the Committee indicates that Hardings Hotmix scored highest overall against the selection criteria and therefore offers Council the best value for money.

Works is scheduled to commence early May with completion in July.

The Tender Planning and Evaluation Committee minutes are available for Councillors to view, upon request.

### **COMMUNITY ENGAGEMENT**

A public advertisement calling for tenders was placed in the Advocate Newspaper on 23 March 2019 and tenders were also advertised on Council's website.

### **FINANCIAL IMPLICATIONS**

The 2018/19 capital expenditure budget includes an allocation for the "Mersey Bluff Pedestrian Links" project of \$200,000.

The breakdown of the budget for this project is summarised below in table 2.

**TABLE 2**

<b>No.</b>	<b>Tender</b>	<b>Budget (ex GST)</b>
1	Contract CT0198	\$167,373
2	Signs Purchase	\$ 21,890
3	Tree & Plants Purchase	\$ 1,000
4	Project management/administration (\$17,461 to date)	\$ 25,000
5	Construction contingency	\$ 25,106
	<b>TOTAL</b>	<b>\$240,369</b>

Signage required for this project will be procured by Council directly due to long lead times from order to delivery.

If the full contingency is required, the forecast over budget expenditure on this project is \$40,369 which, as discussed at a recent Workshop, will be funded from savings on other transport projects within the capital works program.

### **RISK IMPLICATIONS**

To minimise risk, the tender administration processes related to this contract comply with Council's Code for Tenders and Contracts which was developed in compliance with Section 333A of the *Local Government Act 1993*.

The contingency allowance for this project is 15% of the contract price as the risk of unforeseen variations is moderate. Work is scheduled for winter and the project is in a high-profile area which are both risks to the successful delivery of the project.

### **CONCLUSION**

Taking into account the selection criteria assessment, the Tender Planning and Evaluation Committee has determined that Hardings Hotmix meets Council's requirements and is

therefore most likely to offer "best value" in relation to Contract CT0198 Mersey Bluff pedestrian Links.

#### **ATTACHMENTS**

Nil

#### **RECOMMENDATION**

That Council, in relation to Contract CT0198 Mersey Bluff pedestrian Links:

- a) award the contract to Hardings Hotmix for the tendered sum of \$167,373 (ex GST);
- b) note that tree and plant costs for the project are estimated at \$1,000 (ex GST);
- c) note that signage purchase costs for the project are estimated at \$21,890 (ex GST);
- d) project management costs for the project are estimated at \$25,000 (ex GST); and
- e) note a contingency allowance of \$25,106 (ex GST).

Author:	Shannon Eade	Endorsed By:	Matthew Atkins
Position:	Project Management Officer	Position:	Deputy General Manager

## 5.3 UNCONFIRMED MINUTES - SHARED AUDIT PANEL - 26 MARCH 2019

File: 30196 D574341

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.6.4 Provide internal and external audit functions to review Council's performance, risk management, financial governance and reporting

### SUMMARY

To report the unconfirmed minutes of the Audit Panel meeting held on 26 March 2019.

### BACKGROUND

The Audit Panel is in place to assist Council in fulfilling its oversight responsibilities by providing independent advice and assurance regarding the Council's financial management, risk management, internal control and compliance framework.

In late 2014, Council determined to establish a shared Audit Panel with Central Coast Council.

The Audit Panel of each council comprises two elected members and two independent members. The independent members are appointed jointly by both councils to be shared between each council's Audit Panel.

At the February 2019 Council meeting, it was determined that each audit panel should continue to meet independently, and that the Shared Audit Panel would only meet on an as required basis (Min No 36/19 refers).

### STATUTORY REQUIREMENTS

All councils must have Audit Panels that operate in accordance with Part 8 of Division 4 of the *Local Government Act 1993* (the Act) and the *Local Government (Audit Panels) Order 2014*.

### DISCUSSION

At the Council Meeting on 25 February 2019, Council authorised the Mayors and General Managers of Devonport and Central Coast Councils to meet with Mr Tom Hughes to discuss his appointment as the Independent Member of the Shared Audit Panel (Min No 36/19 refers). The Mayors and General Managers determined Mr Hughes was suitable and appointed him for the period March 2019 to December 2022.

The unconfirmed minutes of the Devonport City Council Audit Panel meeting held on 26 March 2019 are attached for information.

Items of note discussed at the meeting include:

- The 2018/19 Audit Strategy
- Draft Risk Management Framework
- Fraud and Corruption Control Policy & Plan
- February 2019 Financial Report
- 2019/20 Annual Budget Program
- Strategic Plan Review
- Council's feedback to the Local Government Act Review

### COMMUNITY ENGAGEMENT

There was no community engagement undertaken as a result of this report.

### FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

### RISK IMPLICATIONS

- Political/Governance  
The Audit Panel plays a key oversight role in Council's Risk Management activities providing elected members with an extra level of comfort that the systems in place are adequate. Within its charter, the primary objectives of the Audit Panel are to consider whether:
  - the annual financial statements of the Council accurately represent the state of affairs of the Council;
  - the Strategic Plan, Annual Plan, long-term financial management plan and long-term strategic asset management plans of the Council are integrated and the processes by which, and assumptions under which, those plans were prepared are sound and justified;
  - the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position are appropriate;
  - the Council is complying with the provisions of the Act and any other relevant legislation;
  - all strategic and business risks affecting the Council are identified and assessed, and the effectiveness of mitigation controls evaluated; and
  - the Council has taken any action in relation to previous recommendations provided by the Audit Panel to the Council.

### CONCLUSION

The information contained in the report and the minutes of the Audit Panel meeting held on 26 March 2019 are presented to Council as per the recommendation below.

### ATTACHMENTS

- [1.](#) Unconfirmed Audit Panel Minutes - 26 March 2019

### RECOMMENDATION

That it be recommended to Council that the unconfirmed minutes of the Audit Panel meeting held on 26 March 2019 be received and noted.

Author:	Jacqui Surtees	Endorsed By:	Paul West
Position:	Executive Officer	Position:	General Manager

**DEVONPORT CITY COUNCIL****AUDIT PANEL**

Unconfirmed minutes of meeting held Tuesday 26 March 2019  
at Devonport City Council commencing at 10:33am

**1. Attendance**

Members – Robert Atkinson (Chair), Tom Hughes, Cr Leigh Murphy, Cr Lynn Laycock (proxy)

Officers – Paul West (General Manager), Kym Peebles (Executive Manager Organisational Performance), Jeffrey Griffith (Executive Manager Corporate Services), Jacqui Surtees (Executive Officer)

Guests – Jessica Leonard (Tasmanian Audit Office) and Rob Luciani (Tasmanian Audit Office, via telephone)

**2. Apologies – Cr Leon Perry, Joshua Jackson (Finance Manager)**

The Chairman welcomed Tom Hughes as the new independent member of the Panel and Cr Laycock as the proxy for Cr Perry.

The Panel determined to start the meeting at item 5. Tasmanian Audit Office, as Rob Luciani was scheduled to call in at 10:35am

**5. Tasmanian Audit Office – Rob Luciani (via Telephone) and Jessica Leonard**

Rob and Jessica presented the 2018/19 Audit Strategy.

Items of note include:

- Health and Safety requirements relating to the audit team whilst on site
- Key Developments – in developing the strategy, the Audit Office seeks to understand Council's business and what is happening, for example, LIVING CITY stages, how the stages are progressing and accounting implications. PW noted that the Magistrates Court is not part of stage 1, and LM noted that the strategy refers to stage 2 which is now the waterfront precinct, not the retail precinct. Jess advised that she would re-word this section to be consistent with the changes.
- Changes to financial standards that may have an impact this year include AASB 9 Financial Instruments.
- Focus on Internal Controls – cash and revenue are tested every year, payroll and expenditure are also due this year
- Key Audit Matters – this year the focus will be on the valuation, depreciation and new capital expenditure in the area of Property, Plant & Equipment
- Significant Risks from audit perspective – were identified as revenue recognition and management override of controls.

- Timetable – Audit office visits will be scheduled for late April, June and September
- The Audit Team members were confirmed.

The Chair queried if Providore Place was being treated as part of LIVING CITY stage 1 or stand alone. Rob Luciani confirmed that is part of stage 1 and is no different to any other asset Council owns from an audit perspective.

The Chair also queried Council's treatment of Dulverton Regional Waste Management in relation to equity accounting principles suggesting that dividends should be treated as a reduction to the carrying value of the investment rather than as revenue. Rob Luciani advised that the way it is treated complies with standards and there are no issues from an audit point of view, and this is consistent with other councils. Jessica said she would review how Dulverton Regional Waste Management dividends are being treated.

PW asked Rob Luciani for an update on the Auditor General's review. Rob advised that three Councils have been reviewed regarding procurement processes; they've drafted the report relating to two and are currently finalising the third. The draft report will be provided to Council for comment prior to the final report being tabled to Parliament. At this stage, they are looking to table the report in May.

**Action:** Send notes of any discussions from the meeting today, regarding Dulverton Regional Waste Management, to Jessica

Jessica Leonard and Rob Luciani left the meeting.

### 3. Declarations of Interest

Cr Leigh Murphy declared an interest in item 8.1 LIVING CITY.

### 4. Confirmation of Minutes

#### 4.1 Confirmation of Shared Audit Panel Meeting held 3 December 2018

The Panel resolved to accept the minutes as a correct record of the meeting held 3 December 2018.

#### 4.2 Confirmation of DCC Audit Panel Meeting held 3 December 2018

The Panel resolved to accept the minutes as a correct record of the meeting held 3 December 2018.

#### 4.3 Business Arising

- Treatment of receipts from Dulverton Regional Waste Management Authority – Kym noted that all revenue will be treated as recurrent but will confirm with Josh in accordance with advice from the Audit Office, how to treat in the budget for 19/20.
  - Staff Training – the payroll costing report was reviewed by the Panel. It was noted that Induction programs for staff should be captured in this.
- (Action)**



- Waterfront Development – KP provided the necessary information via email when the minutes of the December meeting were distributed. The Chair noted that he is satisfied a system is in place.

## 6. Risk Management

### 6.1 Claims Update

Kym Peebles provided an update on current workers compensation claims, including the status of one long standing claim.

### 6.2 Potential Claims

KP advised that Council has received two RTIs relating to retaining walls, and there is also another long-standing issue with a retaining wall that is scheduled for a mediation conference.

PW also advised that a decision made at the Council meeting on Monday 25 March may have the potential to result in some form of claim.

### 6.3 Alleged breach of section 338A and or 339 of the Local Government Act

This item was not discussed at the meeting.

### 6.4 Draft Risk Management Framework

KP outlined some of the changes to the document. TH requested that in future Council specify on the agenda if a document that is tabled is a new document, or a document that is being reviewed, and if so, include mark-ups. He noted that the document sets out Council's approach to risk management but does not provide evidence of compliance with the Framework.

**Action:** Incorporate associated reporting against KPIs in the agenda for the next meeting.

### 6.5 Fraud & Corruption Control Policy and Plan

KP noted that these documents have now been adopted and rolled out. Fraud Awareness training has been delivered by JLT for management, staff and Councillors. TH noted that the documents are great theoretical controls, but what controls have been implemented?

The Chair noted that without an internal audit review team, there is more reliance on the Audit Panel to ensure controls have been implemented.

LM queried why the scope of the Fraud & Corruption Control Plan differs from the Policy. KP explained that the Plan is a management document as opposed to the Policy. The Chair noted the role of the Audit Panel in the plan.

**Action:** Include the role of the Audit Panel as a future agenda item.

### 6.6 Rates Ruling

PW outlined the changes relating to rates for charitable entities with independent living units, and the impact that the changes could have on

Council's revenue. The Full-Bench of the Supreme Court has ruled that independent living units that are on land owned by charitable entities are exempt from rates. LGAT are to lobby the State Government to urgently review the act.

There was discussion around the charitable entities in Devonport that this would impact.

Cr Laycock noted that she is on the board at Meercroft and would have declared this earlier had she realised.

## **7. Financial Management**

### **7.1 February 2019 Finance Report**

PW advised Council is travelling ahead of budget in most areas.

Depreciation for LIVING CITY was discussed; it was noted that the car park will be capitalised this week, it will be back dated to July 1 and captured in the March financials. There are still some decisions to be made regarding the treatment of common areas in the paranapple centre and Providore Place is close to finalisation and capitalisation. It was noted that amounts based on the estimates have been included in the year-to-date figures and that all final figures will be back dated to July 1 to ensure accurate reflection.

The Chair queried the income in advance still in liabilities – KP noted that this is money from the State Government that relates to the paranapple centre and Council are waiting on confirmation of the correct accounting treatment. It is expected the strata titles will be resolved by the end of the financial year.

The Chair suggested there should be better explanations in some of the notes as to why items are either under or over – **Action**.

The February 2019 Financial Report was noted and accepted.

### **7.2 Annual Budget Program**

PW advised that Council would be undertaking a similar process to previous years and that staff are currently populating budget packs. Joshua Jackson has held internal training sessions around budgeting with staff and in the week commencing 8<sup>th</sup> April PW will commence meeting one/one with managers. It is expected that workshops will be held with Councillors in May and that a draft will be provided to the next Audit Panel meeting in June. Community submissions have been received and these will be worked through with Council.

### **7.3 Debt Financing Report**

KP advised that this report was discussed at a previous meeting and is now finalised.

TH suggested incorporating into future documentation, whether input is required, or if a document is just for information – **Action**.

Councillor Murphy left the room.

## **8 Major Projects**

### **8.1 LIVING CITY**

PW advised that Stage 2 is commencing, and a contract has now been signed with Fairbrother.

PW gave an overview of a decision that was made in the confidential section of the Council Meeting on Monday 25 March, that may have an impact to Council in the coming months.

There was also some discussion around the incentive payments made for the fitout of individual tenancies to the Head Lessee.

**Action:** Circulate the LIVING CITY final report, tabled at the Council meeting on Monday 25 March.

Councillor Murphy re-entered the room.

## **9 General Business**

### **9.1 Strategic Plan Review**

The Panel noted the draft Strategic Plan.

**Action:** Circulate a copy of the marked-up document.

### **9.2 Local Government Act Review**

The panel noted the responses provided to the Department of Local Government regarding the review of Tasmania's Local Government Legislation framework.

### **9.3 IT Projects Update**

Due to the meeting running over schedule, TH advised he is meeting with JG after the meeting and will provide a summary of their discussion to the other panel members.

**From:** [tom.hughes@outlook.com.au](mailto:tom.hughes@outlook.com.au)

**Date:** 26 March 2019 at 3:21:26 pm AEDT

**To:** [rob](#), [lperryu](#), [lmurphy](#)

**Subject:** IT environment at Devonport City Council

Fellow Audit Panel Members

As I had foreshadowed in the Audit Panel meeting this morning, I had a meeting with the Executive Manager Corporate Services, Jeff Griffith, following the Audit Panel meeting.

The purpose of the meeting for me was to get a high level understanding of the IT environment and to be able to assess the likely associated risk level. Based on my discussions with Jeff, I was pleasantly surprised as it would appear the council has adopted an up-to-date architecture which should ensure that many of the inherent risks have been addressed.

The focus is not purely on improving IT, Jeff explained that these initiatives are about providing business value and improving council efficiency and effectiveness. As such change management is an important consideration.

My summary is that a sensible IT strategy is being implemented. This does not remove the Audit Panel's need to perhaps look more closely at aspects of IT operations, but it does provide a level of comfort.

The key points are:

- The IT infrastructure (network, servers etc) is provided as an outsourced "cloud" arrangement through a contract with Telstra. I understand the Telstra contract ensures appropriate resilience and redundancy in the services that Telstra provides to the council and its other clients.

- As part of the service Telstra provides cyber security controls to protect the council's systems.

(The works depot has not yet moved to this new Telstra-supported environment, this is a current project)

- Staff are provided with leased laptops or desktop PCs, with a three year refresh cycle.

- The Microsoft Office365 suite of software tools is used by council employees.

- The OneCouncil enterprise software product from Technology One supports most of the council's key functions. It is the key business IT system for the council.

(Not all of its functionality has been used and there is now a project to implement the Assets Management module, including functions as such as equipment maintenance scheduling. These are currently done manually. The new IT functions will be implemented progressively over an 18 month period)

- The Microsoft SharePoint product is being used for document storage and work is underway for it to replace the existing Records Management system (Trim).

- another current project is rationalising council websites which are deployed using a variety of technology products. The websites will be rationalised and a standard website content management system (Wordpress) is being introduced.

**9.4 Audit Panel Charter**

The Panel noted minor changes to the charter regarding the fees.

**9.5 Confirm 2019 Work Plan**

TH noted that the draft Work Plan is a list of what the Panel should review, not how they should do it. TH also suggested that when preparing the agenda, items discussed each meeting, for example the financial statements, should be listed at the end of the agenda, and one-off items should be listed earlier to allow more discussion.

**Action:** TH to provide discussion paper for circulation prior to the next meeting. Agendas to be prepared so that there is .5 hour between meetings and re-organise the agenda so that important/once a year items are listed first, and 'information only' items to be listed towards the end of the agenda.

**9.6 2018 Audit Panel Self-Assessment**

The Chair noted that he is required to complete an assessment on an annual basis, however this has not yet been prepared as he has only received feedback from one panel member so far.

**Action:** JS to follow up self-assessments previously sent out, and to send to officers of each Council as well, request completion in 2-3 weeks.

**Meeting Closed:** 12:25pm

**Next Meeting:** Monday 3 June 2019 at Central Coast Council.

## **5.4 WATERFRONT PARK EXPRESSIONS OF INTEREST - CONSTRUCTION CONTRACTORS**

File: 32575-07 D574751

### **RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

Strategy 2.3.4 Provide accessible and sustainable parks, gardens and open spaces to appropriate standards

### **SUMMARY**

This report provides an overview of the expressions of interest process to select a shortlist of construction contractors to tender for the LIVING CITY Waterfront Park. It recommends that four firms proceed to the second phase of the procurement process.

### **BACKGROUND**

The development of the Waterfront Park is a critical component of the LIVING CITY Master Plan. In July 2016, Council commissioned Lyons Architects to develop concept plans for the Waterfront Precinct. Council undertook community consultation on the concept plan in late 2016/early 2017 and adopted the concept plan in February 2017.

In May 2018, Council commissioned phase two of the design, limiting the contract scope with Lyons to the public open space component of the project, with responsibility for the hotel having been transferred to the hotel developer.

Further community consultation on the updated design drawings was undertaken in late 2018, with feedback considered by Council at its meeting in February 2019.

The LIVING CITY Waterfront Park site is bounded by Rooke Street, Best Street, Mussel Rock and the Mersey River. The public open space aims to create an interactive parkland from Rooke Street to the River edge, based around three main spines or promenades providing clear visual lines between the city centre and the river. The southernmost promenade is elevated over Formby Road and the railway line to the river edge. The central and northern promenades are located at ground level and include pedestrian crossings over Formby Road, Rooke Street and Best Street.

A development application for the project was approved by Council on 8 March 2019.

The selection of a construction contractor for the Waterfront Park is being undertaken in a two-step process, with phase one involving an expression of interest process to identify potential contractors. Phase two will involve a short list of contractors preparing a lump sum tender submission. A preferred contractor will then be selected with the view of entering into a lump sum construction contract with Council.

This report outlines the response to phase one of the process and recommends a short list of contractors to be invited to participate in phase two.

### **STATUTORY REQUIREMENTS**

Council is required to comply with Section 333A of the *Local Government Act 1993* and its adopted Code for Tenders and Contracts when tendering for goods or services.

### **DISCUSSION**

In March 2019 Council commenced the Waterfront Park contractor selection process. Four submissions of varying standard were received.

The proponents listed in no particular order are as follows:

- Vos Construction & Joinery Pty Ltd
- Fairbrother Pty Ltd
- Fulton Hogan Construction Pty Ltd
- Hazell Bros Group Pty Ltd

An evaluation committee assessed the four EOI submissions, mandatory pre-qualification criteria were met and requested supporting documentation was received from all proponents.

As a result of the assessment it is recommended that Council allow all the proponents to proceed to phase two of the procurement process - Request for Tender.

Traditionally Council would shortlist at least three parties in a two-stage tender process. Being one of four still gives tenderers confidence they have a genuine chance of success and therefore the motivation to commit the necessary resources, whilst giving Council the confidence of a competitive pricing outcome.

### **COMMUNITY ENGAGEMENT**

An advertisement seeking expressions of interest for construction contractors was placed in the Advocate on 23 March 2019 and online with Tenderlink.

### **FINANCIAL IMPLICATIONS**

The finalisation of the tender process and the execution of a construction contractor will be presented to Council in a future tender report.

### **RISK IMPLICATIONS**

Selecting a longer short list of phase two tenderers could mitigate against potential claims that capable companies have been excluded from the process.

### **CONCLUSION**

An expression of interest process has been undertaken to select suitably qualified contractors to tender for the construction of the LIVING CITY Waterfront Park. This report recommends that all four companies who responded be invited to proceed to the next phase.

### **ATTACHMENTS**

Nil

### **RECOMMENDATION**

That Council receive and note the report regarding the evaluation of expressions of interest from construction contractors for the LIVING CITY Waterfront Parkland and invite Vos Construction & Joinery Pty Ltd, Fairbrother Pty Ltd, Fulton Hogan Construction Pty Ltd and Hazell Bros Group Pty Ltd to participate in phase two of the tender process.

Author:	Jamie Goodwin	Endorsed By:	Matthew Atkins
Position:	Project Manager	Position:	Deputy General Manager

## 5.5 SURPLUS PROPERTY DISPOSAL - 45-47 STEWART STREET, DEVONPORT

File: 5632 D551651

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.5.4 Ensure operations meet or better financial targets as set in Strategic and Business Plans

### SUMMARY

With the move of the Devonport Regional Gallery (DRG) into the paranapple arts centre, the Council owned building previously occupied by the DRG is surplus to Council's needs. This report seeks Council's direction in regard to the future of the building.

### BACKGROUND

During 2015 and 2016 Council reviewed the feasibility of relocating both the DRG and the VIC into the existing Devonport Entertainment and Convention Centre (DECC). The plans included the idea of a future "Black box" performing arts space. The key objective of the relocation was to create a centralised cultural hub for the City co-locating this facility, along with the Visitor Information Centre (VIC) into the new conference centre being constructed as part of LIVING CITY Stage 1. The change would also provide opportunities for operational savings through shared staffing arrangements.

In 2017 Council determined to proceed with the relocation and approved a \$3M contract to refurbish the existing DECC, creating a new centre which includes the DRG, VIC, Box Office ticket sales outlet and a modified entrance to the existing theatre. The black box performing arts centre was not within the scope and considered by Council to be a second stage for consideration when funding becomes available.

The construction works were completed in October 2018 and the facility opened on 3 November as the re-branded paranapple arts centre.

The previous DRG at 45-47 Stewart Street is now vacant and surplus to Council's needs.

### STATUTORY REQUIREMENTS

Section 177 of the *Local Government Act 1993* outlines the steps for Council selling land. Under Section 177(2) of the *Local Government Act, 1993*, Council must obtain a valuation of the land from the Valuer-General or a person qualified to practise as a land valuer before selling, leasing, donating, exchanging or otherwise disposing of the land.

A valuation for this property has been obtained and is provided to Councillors as a confidential attachment to this report.

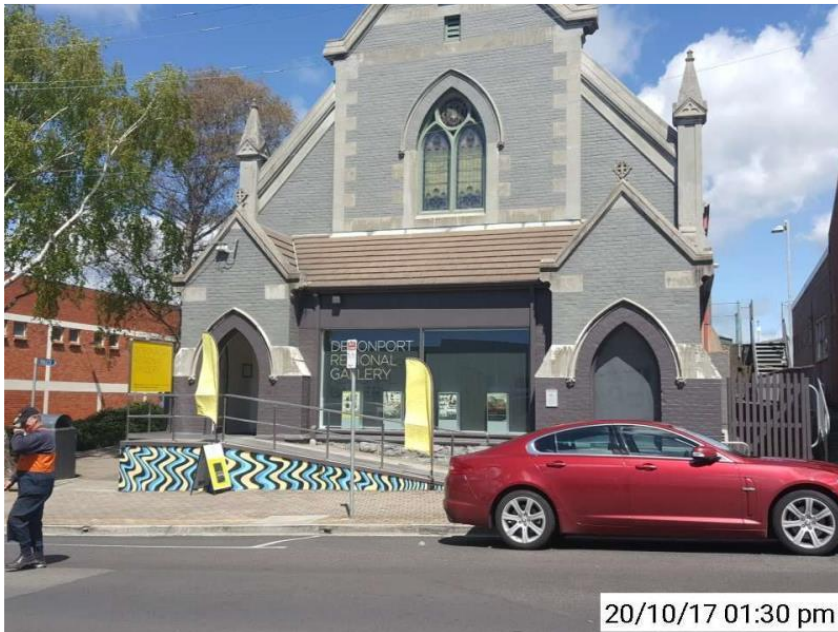
### DISCUSSION

With the former DRG building now surplus to Council's needs, a decision is required on the future of this facility. Whilst Council did not determine the future of this building when deciding to relocate the service, the future sale of the property was highlighted as the likely direction with potential income being a factor when considering the financial implications of the new paranapple arts centre.

Details of the property are outlined below.



#### 45-47 Stewart Street



The building provides 236m<sup>2</sup> of lettable floor area and is located on a 665m<sup>2</sup> site which also contains a public toilet block on the eastern side of the property. The building was originally constructed as a church and is listed on the Tasmania heritage register. The zoning is "Central Business" and well positioned in the CBD for a commercial use.

Council could determine to sell the property either with or without the toilet block. The toilets are due for refurbishment and regardless of location the most cost-effective option for Council will most likely be to construct a new facility based on a smaller configuration, in accordance with current design standards.

Including the toilet block in any potential sale would require Council to consider an alternative location for new toilets in the southern CBD, with several possible options. If the toilets were excluded from the sale, the property would require subdividing and new service connections would be necessary.

The valuation report provides market valuations both with and without the toilet block.

Alternately, Council may choose to retain ownership and seek to rent the property on a commercial basis. The current assessed annual value of the property is \$34,000 which provides an indication of the possible rental return should a suitable tenant be identified.

#### **COMMUNITY ENGAGEMENT**

There has been no community consultation undertaken in relation to the sale of this property.

#### **FINANCIAL IMPLICATIONS**

The nett proceeds from the sale of the former DRG property will be dependent on the final sale price as outlined in the confidential valuation report.

Whilst Council continues to own the building the estimated operational costs are in the order of \$45,000 excluding the toilet block.

If Council determines to proceed with the disposal of the property it is recommended it be listed with Council's contracted property agent, Michael Burr and Associates.

### **RISK IMPLICATIONS**

The main risk associated with this issue is the potential for a negative public reaction to the disposal of the property.

If the building remains vacant for an extended period Council risk the likelihood of increased vandalism resulting in a negative impact on Council's maintenance budget.

### **CONCLUSION**

The property at 45-47 Stewart Street has become surplus to Council's needs due to amalgamation of services into the new parnaple arts centre. A decision is required on the building's future and a number of options are provided for Council's consideration.

### **ATTACHMENTS**

1. Valuation Report - 45-47 Stewart Street, Devonport - Opteon Confidential

### **RECOMMENDATION**

That Council in relation to property owned by it at 45-47 Stewart Street, Devonport:

#### **Option 1 – Sale of Gallery & Public Toilet**

- a) determine that the property is surplus to its requirements and therefore is to be sold as a complete site;
- b) in consultation with Council's real estate service provider, Michael Burr Real Estate, progress the sale of the land;
- c) authorise the General Manager to accept any offer which is equal to, or more than, the independent valuation.
- d) prior to finalising a sale, determine a new location for public toilets in the southern CBD.

OR

#### **Option 2 – Sale of Gallery only**

- a) determine that the former Devonport Regional Gallery building is surplus to its requirements and therefore is to be subdivided from the adjacent public toilets and sold;
- b) in consultation with Council's real estate service provider, Michael Burr Real Estate, progress the sale of the subdivided property;
- c) authorise the General Manager to accept any offer which is equal to, or more than, the independent valuation.

OR

#### **Option 3 – Retain**

- a) determine to retain the property in Council ownership and seek to lease the property on a commercial basis;
- b) determine that the property is surplus to its requirements and therefore is to be sold;
- c) authorise the General Manager to obtain an independent valuation of the title;

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- d) in consultation with Council's real estate service provider, Michael Burr Real Estate, progress the sale of the land; and
- e) authorise the General Manager to accept any offer which is equal to, or more than, the independent valuation.

Author:	Matthew Atkins	Endorsed By:	Paul West
Position:	Deputy General Manager	Position:	General Manager

## 5.6 SURPLUS PROPERTY DISPOSAL - 92 FORMBY ROAD, DEVONPORT

File: 18132 D574554

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.5.4 Ensure operations meet or better financial targets as set in Strategic and Business Plans

### SUMMARY

With the move of the Devonport Visitor and Information Centre (VIC) into the paranapple arts centre, the Council owned building previously occupied by the VIC is no longer required. This report seeks Council's direction in regard to the future of the property.

### BACKGROUND

During 2015 and 2016 Council reviewed the feasibility of relocating the VIC into the existing Devonport Entertainment and Convention Centre (DECC). The key objective of the relocation was to create a centralised cultural hub for the City co-locating this facility, along with the Devonport Regional Gallery (DRG) into the new paranapple precinct being constructed as part of LIVING CITY Stage 1. The change would also provide opportunities for operational savings through shared staffing arrangements.

In 2017 Council determined to proceed with the relocation and approved a \$3M contract to refurbish the existing DECC, creating a new centre which includes the DRG, VIC, Box Office ticket sales outlet and a modified entrance to the existing theatre.

The construction works were completed in October 2018 and the facility opened on 3 November as the re-branded the paranapple arts centre.

The previous VIC at 92 Formby Road is now vacant and surplus to Council's needs.

### STATUTORY REQUIREMENTS

Section 177 of the *Local Government Act 1993* outlines the steps for Council selling land. Under Section 177(2) of the *Local Government Act, 1993*, Council must obtain a valuation of the land from the Valuer-General or a person qualified to practise as a land valuer before selling, leasing, donating, exchanging or otherwise disposing of the land.

A valuation for this property has been obtained and is provided to Councillors as a confidential attachment to this report.

### DISCUSSION

With the former VIC building now surplus to Council's needs, a decision is required on the future of this facility. Whilst Council did not determine the future of this building when deciding to relocate the service, the future sale of the property was highlighted as the likely direction with potential income being a factor when considering the financial implications of the new paranapple arts centre.

Details of the property are outlined below.

## 92 Formby Road, Devonport



The building provides 296m<sup>2</sup> of lettable floor area suitable for a range of commercial uses. It sits on a 505m<sup>2</sup> title adjacent to Council's Formby Road carpark with views of the Mersey River. The building has been well maintained and is in good condition.

The property is zoned "Central Business" and is not heritage listed.

A valuation has been obtained from Opteon, and details of the market valuation are outlined in the confidential attachment.

With the relocation of the VIC the building is now vacant with the exception of a small workshop at the rear of the building which is currently used as a workshop and storage area for Council's parking meter mechanic. If the property was sold this workshop would need to be relocated to an alternative location.

Alternatively, Council may choose to retain ownership and seek to rent the property on a commercial basis. The current assessed annual value of the property is \$39,800 which provides an indication of the possible rental return should a suitable tenant be identified.

### COMMUNITY ENGAGEMENT

There has been no community consultation undertaken in relation to the sale of this property.

### FINANCIAL IMPLICATIONS

The nett proceeds from the sale of the former VIC property will be dependent on the final sale details, as outlined in the confidential attachment.

Whilst Council continues to own the building the estimated operational costs are in the order of \$37,000 pa.

If Council determines to proceed with the disposal of the property it is recommended it be listed with Council's contracted property agent, Michael Burr and Associates.

### RISK IMPLICATIONS

The main risk associated with this issue is the potential for a negative public reaction to the disposal of the property.

If the building remains vacant for an extended period Council risk the likelihood of increased vandalism resulting in a negative impact on Council's maintenance budget.

### CONCLUSION

It is recommended that Council authorise the General Manager to negotiate the sale of 92 Formby Road, Devonport with Michael Burr Real Estate.

### ATTACHMENTS

1. Valuation Report - 92 Formby Road, Devonport - Opteon Confidential

### RECOMMENDATION

That Council in relation to property owned by it at 92 Formby Road, Devonport:

#### Option 1

- a) determine that the property is surplus to its requirements and therefore is to be sold;
- b) in consultation with Council's real estate service provider, Michael Burr Real Estate, progress the sale of the land;
- c) authorise the General Manager to accept any offer which is equal to, or more than, the independent valuation.

OR

#### Option 2

determine to retain the property in Council ownership and seek to lease the property on a commercial basis.

Author:	Matthew Atkins	Endorsed By:	Paul West
Position:	Deputy General Manager	Position:	General Manager

## 6.0 INFORMATION

### 6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

Council is required by Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015* to include in the Agenda the date and purpose of any Council Workshop held since the last meeting.

Date	Description	Purpose
1 April 2019	Tasmanian Planning Commissioner – John Ramsay	Provision of information relating to the introduction of the State-wide Planning Scheme in Tasmania.
	Director of Local Government – Alex Tay	Provision of information relating to the role of the Local Government Division and issues of compliance relating to the <i>Local Government Act 1993</i> .
	Kelcey Tier Draft Master Plan	Discussions on recommendations of the Kelcey Tier draft Master Plan.
	Draft Strategic Plan Review	Consideration of the review of the Strategic Plan 2009-2030.
	Mary Binks Wetlands	Preliminary discussion regarding proposal received from Melaleuca Aged Care.
	Budget Workshop Timetable	Discussion around timetable for budget workshops.
	Future Re-Zoning Application	Discussion on the merits of a potential re-zoning request.
	Old Gallery/VIC	Consideration of possible future use of old art gallery and visitor information centre buildings.
8 April 2019	Code of Conduct Panel - Sue Smith	As a member of the Code of Conduct Panel, Ms Smith was invited to present information to Councillors as part of their induction process.
	Providore Place	Councillors met with Grant Hirst (Southern Wild Distillery) and Ben Milbourne (Charlotte Jack).
15 April 2019	Ian Ugate & Simon Want	Advance notice to Councillors of a pending announcement regarding an agreement to purchase the Devonport Showgrounds.
	Providore Place	Discussion on matters relating to Providore Place.

## RECOMMENDATION

That the report advising of Workshop/Briefing Sessions held since the last Council meeting be received and the information noted.

Author: Position:	Robyn Woolsey Executive Assistant General Management	Endorsed By: Position:	Paul West General Manager
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## 6.2 MAYOR'S MONTHLY REPORT

File: 22947 D563530

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

### SUMMARY

This report details meetings and functions attended by the Mayor.

### BACKGROUND

This report is provided regularly to Council, listing the meetings and functions attended by the Mayor.

### STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

### DISCUSSION

In her capacity as Mayor, Councillor Annette Rockliff attended the following meetings and functions between 21 March and 24 April 2019:

- Council meeting, various Council Committee, Special Interest Group and Working Group meetings as required
- Media as requested; Martin Agatyn (7AD), ABC Radio (x3), The Advocate Newspaper
- Funding announcements and meetings with Federal election candidates
- Meetings with community members
- Grade 3/4 Spreyton Primary
- Harmony Day – including the Citizenship Ceremony
- Mem Fox event
- 7AD Switch to FM celebration
- Mersey Colts annual dinner
- Gem Fair
- Devonport Motor Show
- Met with new Devonport based Inspector of Police
- RACT 50-year member luncheon
- Met with Anita Dow MP
- Met with Coordinator of NW Suicide Prevention Trial Site
- Beacon Foundation Business Partnership group meeting
- Children's University Working Group
- Local Government Association of Tasmania General Meeting
- Official naming of the Mary Binks Wetlands
- Toast for Kids Charity Gala
- Devonport Lions Club Melanoma March
- Neighbourhood Watch Cuppa with a Cop
- Migrant Resource Centre Program launch
- Spreyton Primary School visit to the paranapple centre
- Official opening of St Michael's Association Centre at East Devonport
- Official opening of Embrace the Place
- Hosted Children's University groups visiting the paranapple centre
- Maidstone Park Controlling Authority meeting

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- Cradle Coast Authority Board meeting

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That the Mayor's monthly report be received and noted.

## 6.3 GENERAL MANAGER'S REPORT - APRIL 2019

File: 29092 D561348

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 5.8.2 Ensure access to Council information that meets user demands, is easy to understand, whilst complying with legislative requirements

### SUMMARY

This report provides a summary of the activities undertaken by the General Manager, between 21 March and 24 April 2019. It also provides information on matters that may be of interest to Councillor's and the community.

### BACKGROUND

A monthly report provided by the General Manager to highlight management and strategic issues that are being addressed by Council. The report also provides regular updates in relation to National, Regional and State based local government matters as well as State and Federal Government programs.

### STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other legislation. The General Manager is appointed by the Council in accordance with the provisions of the Act.

### DISCUSSION

#### 1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in several internal staff and management meetings.
- 1.2. Attended Workshops, Section 23 Committee and Council Meetings as required.
- 1.3. A Council/Service Tasmania Steering Committee meeting was held to discuss the integration of the delivery of customer services between the two entities since relocating to the paranple centre. Further development of systems to allow Council enquiries and payments to be made at the Service Tasmania counter is continuing.
- 1.4. Attended a presentation by John Ramsay on behalf of the Tasmanian Planning Commission relating to the finalisation of the Local Planning Provisions for the introduction of the State-wide Planning Scheme.
- 1.5. Significant progress has been made during the month on the development of the 2019/20 budget. Workshops with Councillors are planned for early May.

#### 2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Attended an event at 7AD Radio to celebrate their switch to the FM Bandwidth.
- 2.2. Attended the RACT 50-year Club Luncheon. This event was held at the paranple centre and celebrated members of RACT who had been members for 50+ years.
- 2.3. Attended a meeting at the Devonport Country Club to be shown the site works underway. The building program for the Country Club is on schedule for completion towards the end of the calendar year.

- 2.4. Attended the unveiling of the Mary Binks Wetlands signage at East Devonport.
- 2.5. Met with a representative of Baptcare Australia, operators of the Karingal Aged Care Facility in Lovett Street, Devonport, and representatives of Meercroft Care Inc. The purpose of the meetings was to discuss the recent Full Bench decision relating to rating of independent living units developed on land 'owned and occupied exclusively for charitable purposes'.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Met with representatives of the Tasmanian Planning Institute interested in hosting their annual conference in Devonport.
- 3.2. With the Mayor attended a General Meeting of the Local Government Association of Tasmania held in Devonport. The decision reached in relation to the motion on the agenda relating to lobbying the Federal Government to change the date of Australia Day was defeated (which was in line with Devonport Council's views expressed at its 25 March meeting).
- 3.3. Attended a State-wide meeting of General Managers in Launceston. Items discussed included:
  - Presentation by Alex Tay, Director Local Government relating to the Local Government Act review, the Division's work plan and current matters of interest.
  - EPA Tasmania Update – EPA Board Chair, Warren Jones and EPA Deputy Director, Martin Read – outline of the review of the Environment Management & Pollution Control Act.
  - Rating/Charitable Exemptions – impacts on councils resulting from the Full Bench Supreme Court decision.
  - City Deal Update (Hobart, Glenorchy, Clarence and Kingborough).
  - Local Government Legislation Review – lessons from other States (presentation from the Local Government Association of Western Australia).
  - Tasmanian Audit Office – update on matters relating to the audit office and current workplan. Discussion on upcoming changes to reporting and accounting standards.
  - Department of Justice – National Redress Scheme.
  - Policy matters and updates.
  - Attended a meeting of the Coastal Pathway Steering Group. The purpose of the meeting was to be informed of the progress to date in securing the grant funds and design work for the commencement of on-ground works.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. With the Mayor attended a meeting with Senator Steve Martin. The purpose of the meeting was a general catchup and to provide the Senator with a list of potential projects for funding as part of the upcoming Federal election.
- 4.2. With the Mayor attended an announcement by Senator Steve Martin relating to funding for the East Devonport entrance corridor and the Devonport Bull's Rugby Club. The media release stated:

**Nationals in Government deliver \$3.2m in funding for Devonport**

Two Devonport infrastructure projects will become a reality thanks to \$3.2m in grants from the Nationals in Government, according to Tasmanian Nationals Senator Steve Martin.

Senator Martin made the announcement in East Devonport on Sunday with Senator Richard Colbeck.

"\$3m will allow Devonport City Council to spruce up East Devonport around the Spirit of Tasmania dock with streetscaping, moving cables underground and better signage," Senator Martin said.

"This is the single vehicle entry point to our great state, first impressions matter so if this helps give visitors a warmer welcome and a stronger desire to return, then it is a damn good investment."

The Devonport Bulls Rugby Club will receive \$200,000 for facility upgrades including change room extension and redevelopment. It follows a similar grant for Devonport City Soccer Club late last year.

"I listen to what locals want and go and fight for them in Canberra. It is great news that Deputy Prime Minister and Nationals Leader Michael McCormack has agreed to release the money."

"It is all about my agenda to get a fair share for regional Tasmania and help build stronger local communities."

- 4.3. With the Mayor met with local member Anita Dow MP. The purpose of the meeting was for a catch up to discuss local issues. Mrs Dow is now the opposition spokesperson for local government.
- 4.4. Attended a teleconference with officers of the Department of State Growth regarding proposed amendments to the *Local Government Highways Act 1982*.
- 4.5. With the Mayor met with Federal election candidates Gavin Pearce (Liberal) and Justine Keay MP (Labor) to discuss opportunities for funding commitments for projects in Devonport.

5. OTHER

- 5.1. Met with Fairbrother Pty Ltd for an update on the Waterfront Hotel development. A copy of the report provided at this meeting is attached for information.
- 5.2. The Manager of the Devonport Library has provided information relating to the activity in the Library since its relocation to the paraple centre. A copy of email communication is attached.

**COMMUNITY ENGAGEMENT**

The information included above details any issues relating to community engagement.

**FINANCIAL IMPLICATIONS**

Any financial or budgetary implications related to matters discussed in this report will be separately reported to Council.

There is not expected to be any impact on the Council's operating budget as a result of this recommendation.

### **RISK IMPLICATIONS**

Any specific risk implications will be outlined in the commentary above. Any specific issue that may result in any form of risk to Council is likely to be subject of a separate report to Council.

### **CONCLUSION**

This report is provided for information purposes only and to allow Council to be updated on matters of interest.

### **ATTACHMENTS**

1. Fairbrother Pty Ltd - Hotel Update
2. Library Information since opening
3. Current and Previous Minute Resolutions Update - April 2019
4. CONFIDENTIAL - Current and Previous Minute Resolutions Update - Confidential April 2019

### **RECOMMENDATION**

That the report of the General Manager be received and noted.

Author:	Paul West
Position:	General Manager



LIVING CITY - New Waterfront Hotel



### Quarterly Report – March 2019

This report is prepared for the Devonport City Council in accordance with the Terms Agreement for the development of the Waterfront Hotel and Apartments project.

Key activities currently underway and progress achieved as at March 2019 are as follows:

#### 1. Project Design

The appointment of key consultants for full design services through to project completion is now finalised, that is a further financial commitment to the project by us of near \$2M.

The design aspect of the project has moved from concept design through to the schematic design and design documentation phases.

Documentation has been progressed to allow the obtaining of a Development Permit that was issued in December 2018, followed by a Demolition Permit in January 2019, being the first stage of a planned 5 stage Building Permit process.

The second stage of the Building Permit process will be for "structure" up to Level One, which is expected to be certified and ready for lodgement with council by the 3<sup>rd</sup> May 2019.

Beyond this documentation shall continue for the remaining Building Permit stages that is expected to be concluded by August 2019.

#### 2. Securing of Finance

We have two scenarios of how the development is likely to proceed, both of which have entirely different funding requirements.

Scenario One is a freehold model whereby we would have secured an end owner / hotel operator, that would not require us to obtain finance for project delivery.

Scenario Two is a management arrangement whereby a "Unit Trust" is established to own the development and be responsible for the physical management of the hotel operations. Under this arrangement Fairbrother would have an equity stake in the Unit Trust and the Unit Trust would have overarching responsibility for securing the balance of project finance, which would likely be a combination of borrowings and cash at hand.

#### 3. Hotel Operators

In January we concluded an Expressions of Interest process for either a sale or lease from operators and investors. This was facilitated by Knight Frank and done on an invitation only basis from their key contacts with interest being varied and widespread.

From this process we have had a sound level of interest from a particular party that has included a further visit to the site and an "offer" being put to us to consider.

## LIVING CITY - New Waterfront Hotel



Such offer remains under ongoing negotiation and we are hopeful of an in-principle agreement being reached in coming weeks.

However, the party's interest is on the basis of a freehold title that changes the use of Levels 4 and 5 to hotel rooms, bringing the number of hotel rooms being provided to around 200.

Under this scheme, both levels of onsite car parking would be for the exclusive use of the hotel, with dual entry and exit ramps both proposed to be located along Best Street.

#### 4. Marina

A concept design that provides for up to 10 berths in the first stage of development has been finalised and is deemed viable by the proponent.

The marina is seen as a possible early works package that could be completed towards the end of 2019.

#### 5. Feasibility

Based on the current level of interest from one party that is subject to ongoing negotiation and a sound "unit trust" hotel management arrangement for us to adopt if required, it is our firm view that the development is feasible and that we are highly confident in it proceeding.

#### 6. Summary

Good progress has been made since the last report through ongoing design development along with the Development Application being approved in December.

The demolition of former Harris Scarfe building that is nearing completion demonstrates our commitment to progressing the development, which will be closely followed by lodging the next stage of the Building Permit process.

In addition to this, the Land Sale Agreement is now executed with the deposit requirement now fulfilled.

Two tangible delivery models are before us, be it a sale or management outcome, which positions the development well to proceed.

#### Key Targets

- |  |            |
|--|------------|
| • Complete Harris Scarfe demolition        | April 2019 |
| • Certainty around project delivery model  | May 2019   |
| • Stage 2 Building Permit issued           | May 2019   |
| • Project ready to proceed to construction | June 2019  |

**From:** Forward, Jane (DoE) <[Jane.Forward@education.tas.gov.au](mailto:Jane.Forward@education.tas.gov.au)>

**Sent:** Tuesday, 9 April 2019 3:23 PM

**To:** DoE - Libraries Tasmania - Devonport Library - All Staff

**Subject:** In the months since opening - some Devonport Library stats | 3.9.2018 - 31.3.2019

**Importance:** High

In the seven months since we opened...

- The Devonport community has embraced the new paranapple service experience and the Devonport Library especially.
- The library has experienced a marked increase in membership, visitation and engagement when compared to its previous location.
- Almost 1,500 new members have joined the library since opening day on 3 September 2018 (a 127% increase on the same period in 2017-18). Overall, Devonport Library has seen a 15% increase in membership compared with a 6% Libraries Tasmania increase for the same period.
- Library gates on the ground and first floors have recorded 237,796 visits (an average of 1,367 visits per day). This compares with 177,491 visits (or 1,038 per day) recorded for the same period at Glenorchy Library, a comparable Libraries Tasmania/Service Tasmania co-located site though servicing a population almost double Devonport's size.
- The library has issued more than 125,000 items (including books, cds and dvds) - a 5% increase on the same period last year. This compares favourably with a 1% decrease in overall Libraries Tasmania issues for the same period.
- A total of 4,611 children and adults have participated in public programs at the Devonport Library since its opening - a (whopping BIG) 91% increase on library program attendance for the same period in 2017-18.
- Free access to fast and reliable Wi-Fi is also proving to be popular, with the Libraries Tasmania Wi-Fi in Devonport experiencing a 40% increase (that's a total of 28,510 sessions recorded in the seven months since opening). Library staff are also reporting an observable increase in client use of personal 'BYOD' devices such as tablets and laptops, adding to the 10,310 sessions booked on public PCs in the library.

How's that for ACHIEVEMENT and GROWTH?! And outcomes for our clients that we can be proud of...

These are just a few of the highlights from our Living City QTB (Question Time Brief) prepared for Budget Estimates in May.

In a few days' time all of our March quarter data should be uploaded and available on Power BI and you will be able to explore and interrogate the data further yourself:

<https://intranet.education.tas.gov.au/intranet/team-sites/ckn/statewide-administration/performance/default.aspx>

I'm sure there are loads more 'good news stories' and insights into our services just waiting for you to ask the question and run the report ☺

Congrats everyone.

Kind regards,  
Jane

**Jane Forward** | Manager  
Devonport Library | Libraries Tasmania  
paranapple centre, 137 Rooke Street, Devonport, Tasmania 7310  
(03) 6478 4235 | mbl 0407 839 121

## Current and Previous Minute Resolutions Update

OPEN SESSION Current Resolutions	
<b>Resolution Title:</b>	<b>Financial Assistance Scheme – Round Two 2018/2019 (D566890)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	46/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	All applicants advised of Council's decision
<b>Resolution Title:</b>	<b>Tender Report Contract CP0158 Modern Burial System Stage 2 (D561619)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	48/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Deputy General Manager
<b>Officers Comments:</b>	Signed contracts and letter of acceptance has been sent to contractor.
<b>Resolution Title:</b>	<b>Attendance by Councillors at Conferences (D569583)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	49/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Registration, accommodation and flights have been arranged for Cr Laycock.
<b>Resolution Title:</b>	<b>Local Government Association of Tasmania – Nomination for General Management Committee (D570139)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	50/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Nomination submitted
<b>Resolution Title:</b>	<b>Local Government Association of Tasmania – General Meeting – 29 March 2019 (D571619)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	52/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Meeting attended

<b>Resolution Title:</b>	<b>Vietnam Veterans Association of Australia – Memorial Park (D571698)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	53/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Association advised of Council's decision and asked to contact Council when plans are drafted in readiness for next stage of consultation
<b>Resolution Title:</b>	<b>Climate Change Notice of Motion to LGAT (D571862)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	54/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Notice of Motion submitted
<b>Resolution Title:</b>	<b>Public Land Register – Review of Register (GFC 15/19 – 18 March 2019)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	58/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	Updated copy placed on website and available for public inspection
<b>Resolution Title:</b>	<b>Community Survey 2019 – Research Report (GFC 17/19 – 18 March 2019)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	58/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	EMRS Survey results have been noted and will be made public in due course.
<b>Resolution Title:</b>	<b>Budget Consultation 2019-20 (GFC 20/19 – 18 March 2019)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	58/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	Submissions to be considered as part of budget deliberations.

<b>Resolution Title:</b>	<b>Proposed Sale of Land – Canning Drive, East Devonport (GFC 21/19 – 18 March 2019)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	58/19
<b>Status:</b>	In Progress
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	Valuations required (OVG and independent market valuation) prior to listing for sale
<b>Resolution Title:</b>	<b>Terms of Reference for paranaple arts centre Special Advisory Committee (GFC 24/19 – 18 March 2019)</b>
<b>Date:</b>	25 March 2019
<b>Minute No.:</b>	58/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Convention & Arts Centre Director
<b>Officers Comments:</b>	Terms of Reference adopted. Committee to be formed in July 2019.

Previous Resolutions Still Being Actioned	
<b>Resolution Title:</b>	<b>Preservation of Work by Philip Wolfhagen – Notice of Motion – Cr A Jarman (D567618)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	22/19
<b>Status:</b>	On hold
<b>Responsible Officer:</b>	Convention and Art Centre Director
<b>Officers Comments:</b>	To action once the future use of the building is discussed by Council.
<b>Resolution Title:</b>	<b>Community Consultation – Waterfront Precinct (D563991)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	24/19
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Project Officer
<b>Officers Comments:</b>	Tender documentation in progress as per resolution. Investigations into sound and light show have begun.
<b>Resolution Title:</b>	<b>Kelcey Tier Draft Master Plan (D567006)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	27/19
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Workshop with Council is scheduled for 9 May 2019.



<b>Resolution Title:</b>	<b>Bike Route Hierarchy (IWC 4/19 – Infrastructure Works and Development Committee - 11 February 2019)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	33/19
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Infrastructure Works and Development Manager
<b>Officers Comments:</b>	Information being prepared for website and GIS
<b>Resolution Title:</b>	<b>Victoria Parade Parking in the Vicinity of the Senior Citizen's Club and the Boat Ramp (IWC 5/19 – Infrastructure Works and Development Committee - 11 February 2019)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	33/19
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Infrastructure Works and Development Manager
<b>Officers Comments:</b>	Installation pending
<b>Resolution Title:</b>	<b>Future Visitation – Australian Navy Ships – Notice of Motion – Ald L M Laycock (D549874)</b>
<b>Date:</b>	22 October 2018
<b>Minute No.:</b>	187/18
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Discussions held with TasPorts meeting to be coordinated.
<b>Resolution Title:</b>	<b>Review of Devonport City Council Strategic Plan 2009-2030 (GFC 52/18 – 17 September 2018)</b>
<b>Date:</b>	24 September 2018
<b>Minute No.:</b>	178/18
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	Updated Strategic Plan on current agenda.
<b>Resolution Title:</b>	<b>Disability/Equal Access and Inclusion (D491448)</b>
<b>Date:</b>	25 September 2017
<b>Minute No.:</b>	181/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Feedback received on proposed draft actions – Strategy to be finalised.

<b>Resolution Title:</b>	<b>Funding &amp; Assistance – Home Hill – NOM – Ald Laycock</b>
<b>Date:</b>	26 September 2016
<b>Minute No.:</b>	170/16
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Convention and Arts Centre Director.
<b>Officers Comments:</b>	Following a meeting with National Trust further review of the garden plan being undertaken by the consultants appointed by National Trust.

## **6.4 UNCONFIRMED MINUTES - CRADLE COAST AUTHORITY REPRESENTATIVES MEETING - 28 FEBRUARY 2019**

File: 31710 D574016

### **RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

Strategy 5.1.4 Develop and maintain partnerships and advocate for improved service provision, funding and infrastructure

### **SUMMARY**

To provide Council with the unconfirmed minutes of the Cradle Coast Authority Representative's meeting which was held on 28 February 2019.

### **BACKGROUND**

As a member of the Cradle Coast Authority, Council is provided with a copy of the minutes.

### **STATUTORY REQUIREMENTS**

There are no statutory requirements which relate to this report. Under the Authority's Rules, minutes of Representatives meetings can be considered by Council in open session.

### **DISCUSSION**

The unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 28 February 2019 are attached for consideration.

From the minutes it is noted that:

- A meeting was held with the CCA CEO and Mr Luke Sayer, The Advocate Newspaper's Editor to discuss opportunities for councils to have more input in the newspaper as a result of the removal of the Coast to Coast section due to budget cuts.
- Mayor Phil Vickers and Mr Peter Voller were endorsed as Board Directors, subject to Ministerial approval for Mr Voller of his role as Chair of the NRM Committee.
- Representatives considered Mr Scott Wade and Mr Royce Fairbrother's proposal for a multi-purpose stadium, deciding that pursuing this further was not a priority for CCA at the present time.
- Representatives and CCA Board directors decided that changing the name of the Authority is not a priority and will be revisited in twelve months.

### **COMMUNITY ENGAGEMENT**

There was no community engagement as a result of this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications as a result of this report.

### **RISK IMPLICATIONS**

There are no risk implications as a result of this report.

### **CONCLUSION**

The unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 28 February 2019 are presented.

**ATTACHMENTS**

1. Minutes - Cradle Coast Authority Representative - 28 February 2019

**RECOMMENDATION**

That the unconfirmed minutes of the Cradle Coast Authority Representatives meeting which was held on 28 February 2019 be received and noted.

Author:	Paul West
Position:	General Manager

## REPRESENTATIVES MEETING

28 February 2019

**Meeting Highlights****Coast to Coast Section in The Advocate**

The Advocate's Editor, Mr Luke Sayer attended the meeting to discuss why the Coast to Coast section had been removed from The Advocate newspaper. Mr Sayer advised that due to budget cuts, the revenue was not enough to cover its inclusion in the newspaper. It was agreed that CEO and Mr Sayer would meet to discuss an opportunity for councils to have more input into the newspaper.

**CCA Board Appointments**

Representatives endorsed Mayor Phil Vickers and Mr Peter Voller as Board Directors. Mr Voller's appointment is subject to ministerial approval of his role as the Chair of the NRM Committee.

**Multi-purpose Stadium Proposal**

Representatives considered Mr Scott Wade and Mr Royce Fairbrother's proposal for a multi-purpose stadium. It was regrettably decided that pursuing this further was not a priority for CCA at the present time.

**Cradle Coast Authority Name Change**

Representatives and CCA Board directors agreed that changing the name of the Cradle Coast Authority is not a priority and will be revisited in 12 months.

**Key Resolutions**

1. That the CCA Board develop a proposal re: the term of council representatives on the Board, for consideration by the Representatives.
2. Representatives agreed that any call for new directors should be subject to public advertisement and panel selection.

MEETING MINUTES  
REPRESENTATIVES MEETING



Date: 28 February 2019  
Time: 10:00  
Location: 1-3 Spring Street, Burnie

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**1. MEETING OPEN**

Chief Representative and meeting Chair, Mayor Jan Bonde, opened the meeting at 10:06 am, welcoming attendees.

Attendees and apologies are noted at Attachment 1.

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**2. SPECIAL GUEST**

**2.1. Mr Luke Sayer, Editor, The Advocate**

*Mr Luke Sayer entered the meeting at 10:07 am to talk about the removal of the Coast to Coast section from The Advocate Newspaper.*

Key highlights from Mr Sayer's attendance included:

- The reason that the Coast to Coast section from the paper was removed was because The Advocate underwent budget cuts and the revenue could not support its inclusion in the paper.
- Mayor Walsh advised that the Coast to Coast section is dearly missed by the broader Waratah Wynyard Community.

**ACTION**

*CEO and Mr Sayer to meet and discuss the opportunities for councils to have an input into a section in the Advocate Newspaper.*

Chief Representative thanked Mr Sayer for his time.

*Mr Sayer left the meeting at 10:34am.*

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**3. STANDING ITEMS**

**3.1. DECLARATIONS**

*Nil*

**3.2. CONFIRMATION OF MINUTES**

*Minutes of 22 November 2018 Representatives Meeting were provided at Agenda Item 3.2*



**Resolution**

The Representatives **ENDORSED** the 22 November 2018 Representatives Meeting Minutes.

Moved: Mayor Walsh / Seconded: Mayor Quilliam / CARRIED

**3.3. ACTIVITY REGISTER**

*A schedule of activities was presented at Agenda Item 3.3 with edits noted*

**ACTIONS**

*EA to send the production schedule and locations for the Award-Winning Tasmania program to Representatives.*

*CEO to contact Mr Nick Probert from the Beacon Foundation to reaffirm the CCA's interest in working with the Foundation.*

**Resolution**

The Representatives **ACCEPTED** and **NOTED** the Activity Register.

**3.4. CORRESPONDENCE**

*A briefing note was presented at Agenda Item 3.4*

Representatives agreed that correspondence is not required to be included in the Agenda.

**Resolution**

The Representatives **NOTED** the Correspondence.

Moved: Mayor Quilliam / Seconded: Mayor Walsh / CARRIED

**4. CRADLE COAST AUTHORITY UPDATE**

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**4.1. QUARTERLY FINANCIAL REPORT**

*The Financial Statements were presented at Agenda Item 4.1.*

**Resolution**

The Representatives **ACCEPTED** and **NOTED** the Financial Statements.

Moved: Mayor Walsh / Seconded: Mr David Midson / CARRIED

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**5. FOR DISCUSSION**

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- 5.1. TERMS OF GM & MAYOR APPOINTMENTS TO THE CCA BOARD – THE CCA RULES 24 (1) (C) REQUIRE THAT THE REPRESENTATIVES ARE TO SPECIFY A TERM OF OFFICE (NO LONGER THAN FIVE YEARS) HOWEVER THE APPOINTMENTS OF A. ROCKLIFF AND A. WARDLAW SPECIFIED NO SUCH TERM**

**ACTION**

*That the CCA Board develop a proposal re: the term of council representatives on the Board, for consideration by the Representatives.*

- 5.2. APPOINTMENT OF PHIL VICKERS TO THE CCA BOARD, FOLLOWING THE VACANCY OF DUNCAN MCFIE**

**Resolution**

Representatives ENDORSED Mayor Phil Vickers as a CCA Board Director.

Moved: Mayor Walsh / Seconded: Mayor Quilliam / CARRIED

- 5.3. APPOINTMENT OF PETER VOLLER TO THE CCA BOARD UNTIL THE NRM FUNDING OUTCOME IS KNOWN AND SUBJECT TO MINISTERIAL APPROVAL OF PETER'S POSITION AS NRM CHAIR**

**Resolution**

Representatives ENDORSED Mr Peter Voller as a CCA Board Director, subject to Ministerial approval of Mr Voller's position as NRM Chair.

Moved: Deputy Mayor Jarman / Seconded: Mayor Walsh / CARRIED

- 5.4. CRUISE SHIP VISITATION – THE MERITS OF A REGIONAL APPROACH**

CCA's Chair, Mr Sid Sidebottom advised that he and CEO visited the Burnie Cruise Ships recently. The process around administration and security measures were of a high professional standard.

General Managers and Mayors were encouraged to visit a cruise ship at the Burnie Port before the end of the season.

**Resolution**

That the tourism business unit undertake some work with Burnie City Council to understand what, if anything, councils should do collectively, to support cruise ship visitation.

- 5.5. CRADLE COAST AUTHORITY NAME**

CCA's Chair, Mr Sid Sidebottom advised that at a previous Board meeting, there were discussions around replacing the word 'Authority' with 'Alliance'. The word 'Authority' is not reflective of the CCA's vision. Mr Sidebottom reiterated that this is not a priority for the CCA, but that he would raise it to hear the Representatives views.

**Resolution**

Representatives **AGREED** to postpone discussions around the Cradle Coast Authority name for the next 12 months.

**5.6. STADIUM PROPOSAL**

Representatives considered and agreed to regretfully decline Mr Scott Wade and Mr Royce Fairbrother's proposal for a multi-purpose stadium, due to a lack of funding and managing other priorities. It was decided that pursuing this further was not a priority for CCA at the present time.

**ACTION**

*Chief Representative to write to Mr Fairbrother and Mr Wade to advise of this outcome.*

**5.7. COASTAL EROSION**

*NRM Project Officer, Ms Iona Flett entered the meeting at 11:45 am to discuss Coastal Erosion.*

Ms Flett went through her perspective assessment of coastal erosion from a scientific and community member point of view.

Key impacts of rising sea levels:

- Accelerated erosion resulting in loss/damage of infrastructure (public or private)
- Loss of coastal habitat
- Salt water inundation of soils, which could affect agriculture
- Increased flooding, increased storm events and intensity

Ms Flett noted that the key concerns for councils is potential legal problems around planning and advised that the Coast Adapt website ([www.coastadapt.com.au](http://www.coastadapt.com.au)) is a great resource that goes through the adaptation measures that are possible and some of the issues across Australia, including examples.

Representatives discussed the following:

- The upcoming Federal Election will see Coastal Erosion on the Cradle Coast Region's priority list.
- There is a good opportunity for CCA and NRM to assist with community awareness for erosion.
- Waratah-Wynyard Council have an arrangement with PWS for undertaking property assessments at Sisters Beach to try and slow the erosion down in their areas.

*Ms Flett left the meeting at 12:24.*

*The Representatives broke for lunch at 12:24.*

**5.8. TOURISM TRANSITION COMMITTEE AND NRM COMMITTEE EXPECTATIONS AROUND COST REDUCTIONS**

CEO presented a slideshow of the Tourism Transition Committee and NRM Committee's expectations around cost reductions.

Chief Representative Bonde noted that local government spend around \$6.5M collectively on their local visitor information centres and marketing and would like to see Representatives and CCA working together collectively to discuss how each council supports their local businesses and local tourism to try and minimise duplication and provide cost saving measures.

Representatives Agreed to discuss the above matter in more detail in a workshop setting.

**ACTION**

EA to schedule a tourism workshop prior to the May meeting.

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**6. FOR NOTING**

**6.1. CCA CEO REPORT**

A briefing note was presented at Agenda Item 6.1.

**Resolution**

Representatives **NOTED** the CEO's Report.

Moved: Councillor Lynch / Seconded: Mayor Walsh / CARRIED

**6.2. RELATED PARTY DISCLOSURES**

A briefing note was presented at Agenda Item 6.2.

**Resolution**

Representatives **NOTED** the Report.

Moved: Mayor Quilliam / Seconded: Mayor Walsh / CARRIED

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**7. LOCAL GOVERNMENT UPDATE**

- Burnie City Council are looking at their own infrastructure for a stadium but on a smaller scale compared to Mr Wade and Mr Fairbrother's proposal.
- Devonport City Council: Mr Paul Fielding, President of the Cradle Coast Tourism Group has taken over the café at the Devonport Maritime Centre and is starting up a new tourism venture called 'Digest the North West'. It was raised that Mr Fielding could present at a Representatives meeting in the future, as he has a lot of stakeholders behind him.
- Central Coast Council: there are over 40 caravans along Preservation Drive / Sulphur Creek.
- Latrobe Council: Latrobe has been incredibly busy, particularly with strategic planning and flood mitigation.
- Kentish Council: the mountain bike tracks are currently progressing through Railton.

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**8. GENERAL BUSINESS**

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**Free Camping**

CEO and Mr Sidebottom recently were asked to visit a local caravan park to hear about the impact that unregulated free camping is having on their business. Representatives discussed the issue and cannot pursue it any further. CEO will write to the owners.

**EOI for Directors**

The Board has previously discussed appointing additional directors, with a private sector background to bolster the CCA's economic development expertise. The CCA Rules state that the Representatives must determine the process for appointing directors and sought direction from them.

**Resolution**

Representatives **AGREED** that any call for new directors should be subject to public advertisement and panel selection.

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**9. MEETING CLOSE**

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Meeting closed at 1:59 pm.

The next meeting will be held on Thursday 23 May 2019 at Cradle Coast Authority.

**Attachment 1: Attendees, Observers and Apologies****Representatives**

Councillor Jan Bonde	Mayor Central Coast Council (Chief Representative)
Ms Sandra Ayton	General Manager, Central Coast Council
Councillor Daryl Quilliam	Mayor, Circular Head Council
Mr Scott Riley	General Manager, Circular Head Council
Councillor Chris Lynch	Burnie City Council (proxy)
Mr Paul West	General Manager, Devonport City Council
Councillor Alison Jarman	Deputy Mayor, Devonport City Council
Councillor Tim Wilson	Mayor, Kentish Council
Councillor Don Thwaites	Deputy Mayor, Kentish Council
Councillor Peter Freshney	Mayor, Latrobe Council (Deputy Chief Representative)
Mr Gerald Monson	General Manager, Latrobe Council
Councillor Graeme Brown	Deputy Mayor, Latrobe Council (proxy)
Mr Shane Crawford	General Manager, Waratah-Wynyard Council
Councillor Robby Walsh	Mayor, Waratah-Wynyard Council
Councillor Phil Vickers	Mayor, West Coast Council
Mr David Midson	General Manager, West Coast Council

**Cradle Coast Authority**

Mr Sid Sidebottom	Chairperson
Mr Malcolm Wells	Director
Mr Andrew Wardlaw	Director
Ms Kathy Schaefer	Director
Mr Peter Voller	Director
Councillor Annette Rockliff	Director
Mr Daryl Connelly	Industry Development Manager, A/Regional Tourism Manager
Ms Lauren Clarke	Executive Assistant, Meeting Secretariat

**Apologies**

Councillor Giovanna Simpson	Deputy Mayor, Burnie City Council
Councillor Steve Kons	Mayor, Burnie City Council
Ms Kate Mauric	Acting General Manager, King Island Council
Councillor Julie Arnold	Acting Mayor, King Island Council
Councillor Shane Pitt	Deputy Mayor, West Coast Council



**7.0 SECTION 23 COMMITTEES****7.1 PLANNING AUTHORITY COMMITTEE MEETING - 1 APRIL 2019****File: 29133 D573866****RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

**SUMMARY**

The purpose of this report is to receive the minutes and note the recommendations provided to Council by the Planning Authority Committee meeting held on Monday, 1 April 2019.

**ATTACHMENTS**

1. Minutes - Planning Authority Committee - 2019/04/01

**RECOMMENDATION**

That the minutes of the Planning Authority Committee meeting held on Monday, 1 April 2019 be received and the decisions determined be noted.

PAC 01/19 Planning Applications approved under Delegated Authority – 1 September 2018 – 24 March 2019

PAC 02/19 PA2019.0029 Residential (multiple dwellings x 3) - 46 Fleetwood Drive, Spreyton

PAC 03/19 PA2019.0008 Community Meeting and Entertainment (function centre) & Visitor Accommodation - 10363 Bass Highway Lillico

Author:	Robyn Woolsey		Endorsed By:	Paul West
Position:	Executive Assistant General		Position:	General Manager
	Management			

**MINUTES OF A PLANNING AUTHORITY COMMITTEE MEETING OF THE DEVONPORT CITY COUNCIL HELD IN ABERDEEN ROOM, LEVEL 2, paranaple centre, 137 ROOKE STREET, DEVONPORT ON MONDAY, 1 APRIL 2019 COMMENCING AT 5:15PM**

**PRESENT:** Cr A Rockliff (Mayor) in the Chair  
 Cr J Alexiou  
 Cr P Hollister  
 Cr S Milbourne  
 Cr L Murphy  
 Cr L Perry

**Councillors in Attendance:**

Cr G Ennis  
 Cr A Jarman  
 Cr L Laycock

**Council Officers:**

General Manager, P West  
 Deputy General Manager, M Atkins  
 Development Services Manager, K Lunson  
 Planning Coordinator, S Warren  
 Planning Officer, A Mountney

**Audio Recording:**

All persons in attendance were advised that it is Council policy to record Council meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

**1.0 APOLOGIES**

There were no apologies received.

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 DELEGATED APPROVALS**

**3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY – 1 SEPTEMBER 2018 – 24 MARCH 2019 (D572609)**

**PAC 01/19 RESOLUTION**

MOVED: Cr Perry  
 SECONDED: Cr Murphy

That the list of delegated approvals be received.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

**4.0 DEVELOPMENT REPORTS****4.1 PA2019.0029 RESIDENTIAL (MULTIPLE DWELLINGS X 3) - 46 FLEETWOOD DRIVE, SPREYTON (D572584)****PAC 02/19 RESOLUTION**

MOVED: Cr Perry

SECONDED: Cr Murphy

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2019.0029 and grant a Permit to use and develop land identified as 46 Fleetwood Drive, Spreyton for the following purposes:

- Multiple dwellings x 3

Subject to the following conditions:

1. The Use and Development is to proceed generally in accordance with the endorsed plans referenced as 3 Unit Development – Job No 1238 (Sheets 1-5), dated 10/1/2019, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. Stormwater discharge from the proposed development is to be adequately hydraulically detailed and designed by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately identify peak discharge flows. As part of their design the hydraulic engineer is to limit stormwater discharge from the proposed development, by utilising a combination of pipe sizing and/or on-site detention, to that equivalent to only 50% of the development lot being impervious. There is to be no overland flow discharge from the proposed development to any of the adjoining properties, for all the above nominated storm events. All design calculations are to be submitted for approval by the City Engineer prior to commencing construction on site.
3. The existing stormwater connection is to be used for the purposes of the proposed development.
4. The proposed driveways are to be generally designed and constructed in accordance with the IPWEA Tasmanian Standard Drawings and to concrete standard, size and location suitable for the proposed future use of the site.
5. The proposed parking is to comply with AS2890.1. In addition, the requirements of AS2890.6 (disability parking) is also to be adopted where appropriate.
6. The developer is to comply with the conditions contained in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit, pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*.

**THIS IS NOT A BUILDING OR PLUMBING PERMIT.**

Prior to commencing any building or plumbing work you are required to:

Contact a Tasmanian registered Building Surveyor to determine the category of building approval required, and

Contact the Council Permit Authority to determine the category of plumbing approval required.

With respect to street addressing for the multiple dwelling development, the following will apply:

Unit number on site plan	Street address
1	Unit 2, 1A Mulligan Drive
2	Unit 1, 1A Mulligan Drive
3	46 Fleetwood Drive

The above street addresses comply with AS/NZS 4819.2011 *Rural and urban addressing*.

A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards.

In regard to conditions 2-5 the applicant should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

In regard to condition 6 the applicant should contact TasWater (Ph 136 992) with any enquiries.

General enquires can be directed to Council's Planning Department - 6424 0511.

	For	Against		For	Against
Cr Rockliff	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

#### **4.2 PA2019.0008 COMMUNITY MEETING AND ENTERTAINMENT (FUNCTION CENTRE) & VISITOR ACCOMMODATION - 10363 BASS HIGHWAY LILICO (D572604)**

##### **PAC 03/19 RESOLUTION**

MOVED: Cr Perry

SECONDED: Cr Murphy

##### **Firstly:**

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 58 of the *Land Use Planning and Approvals Act 1993*, approve application PA2019.0008 and grant a Permit to use and develop land identified as 10363 Bass Highway, Lillico for the following purposes:

- Visitor Accommodation (5 pods and 3 cabins) and associated infrastructure.

Subject to the following conditions:

- 1 Unless requiring modification by subsequent conditions of this permit the use and development is to proceed and be undertaken in accordance with the submitted plans and supporting documentation referenced as:
  - Veris Australia Pty Ltd, Town Planning Consultants, Reference 3D15080 dated November 2018 and Concept Plan D15180 as revised dated 10 December 2018.
  - Weeda Drafting and Building Consultants Pty Ltd, designers, Project 16618 dated 21 December 2018.
  - Pitt and Sherry, Land Stability Assessment, Reference DV18177L001 as revised 18 January 2019.
  - Sustainable Environment Assessment & Management (SEAM), stormwater and wastewater design, Reference 18079, dated 19 November 2018 and 12 October 2018 respectively.
- 2 The developer is to provide an amended plan that indicates a minimum 11 parking spaces for cars and 1 for a small rigid truck. This is to be submitted prior to or at the time of the building and plumbing permit application that confirms the number of spaces, the final location and any alteration to site drainage as a result of the permitted change.
- 3 The developer is to submit a floor plan of the 5 pods for consideration prior to or at the time of the building and plumbing permit application.
- 4 The developer is to take all reasonable steps during site works and construction to minimise off site environmental effects occurring that might result in a nuisance. This includes air, noise and water pollution and does not allow for burning of any waste materials on the site.
- 5 The developer is to apply for the relevant food business approval prior to opening the premises if any food products are to be supplied, prepared and/or cooked for guests.
- 6 The developer is to obtain approval prior to opening the premises if the property is to source water for human consumption from a private supply (as defined under the Public Health Act 1997).
- 7 The developer is to cease work immediately if during site works and construction the discovery of any cultural artefacts is uncovered or observed and is to immediately contact the Aboriginal Heritage Tasmania section of the Department of Primary Industries, Parks, Water and Environment for their advice.
- 8 The developer is to cease work immediately if during site works and construction any community of threatened species is discovered or observed and is to immediately contact the Marine Conservation Branch of the Department of Primary Industries, Parks, Water and Environment for their advice.
- 9 The development is to comply with the requirements of the current National Construction Code and obtain the necessary building and

plumbing approvals and provide the required notifications in accordance with the *Building Act 2016* prior to commencing building or plumbing work.

**Secondly:**

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, refuse the proposed Community meeting and entertainment (function centre) use and development due to the following reasons:

- 1 The application has not satisfactorily demonstrated that the proposed 'Community meeting and entertainment' use (function centre) is consistent with the Local Area Objectives to prove it must be developed on land currently used for primary industry.
- 2 The application has not satisfactorily demonstrated that the proposed 'Community meeting and entertainment' use (function centre) is consistent with the Desired Future Character statements.
- 3 The application has not satisfactorily demonstrated that the proposed 'Community meeting and entertainment' use (function centre) is required to locate on rural resource land for operational efficiency.
- 4 The application has not satisfactorily demonstrated why the significantly lesser number of parking spaces required under clause E9.5.1 of the Scheme is reasonable and necessary due to the anticipated requirement for the type, scale and intensity of the use, the likely needs and requirements of site users and the likely type, number, frequency and duration of parking demand.

**Explanatory Notes:**

Reason 1 – the land has agricultural potential and applying an 'Agritourism' label to a function centre does not constitute a favourable reason to exercise discretion.

Reason 2 – the proposed use of building materials that 'blend' into the landscape hasn't been proven to mitigate visual amenity.

Reason 3 – location and outlook are not naturally occurring resources that can be applied to the site to satisfy the Performance Criteria.

Reason 4 – The application has miscalculated the quantum.

	For	Against		For	Against
Cr Rockliff	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

**With no further business on the agenda the Chairperson declared the meeting closed at 5:25pm.**

Confirmed

Chairperson



**7.2 PLANNING AUTHORITY COMMITTEE MEETING - 8 APRIL 2019**

File: 29133 D574937

**RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

**SUMMARY**

The purpose of this report is to receive the minutes and note the recommendations provided to Council by the Planning Authority Committee meeting held on Monday, 8 April 2019.

**ATTACHMENTS**

1. Minutes - Planning Authority Committee - 8 April 2019

**RECOMMENDATION**

That the minutes of the Planning Authority Committee meeting held on Monday, 8 April 2019 be received and the decisions determined be noted.

PAC 04/19 Planning Applications approved under Delegated Authority 25 March 2019 - 31 March 2019

PAC 05/19 PA2019.0007 Subdivision (2 lots) - 99 Cutts Road, Don

Author: Position:	Robyn Woolsey Executive Assistant Management	General	Endorsed By: Position:	Paul West General Manager
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**MINUTES OF A PLANNING AUTHORITY COMMITTEE MEETING OF THE DEVONPORT CITY COUNCIL HELD IN ABERDEEN ROOM, LEVEL 2, paranaple centre, 137 ROOKE STREET, DEVONPORT ON MONDAY, 8 APRIL 2019 COMMENCING AT 5:17PM**

**PRESENT:** Cr A Rockliff (Mayor) in the Chair  
 Cr J Alexiou  
 Cr P Hollister  
 Cr S Milbourne  
 Cr L Murphy  
 Cr L Perry

**Councillors in Attendance:**

Cr Enniss  
 Cr Jarman  
 Cr Laycock

**Council Officers:**

General Manager, P West  
 Deputy General Manager, M Atkins  
 Development Services Manager, K Lunson  
 Planning Officer, A Mountney

**Audio Recording:**

All persons in attendance were advised that it is Council policy to record Council meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

**1.0 APOLOGIES**

There were no apologies received.

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 DELEGATED APPROVALS**

**3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 25 MARCH 2019 - 31 MARCH 2019 (D573968)**

**PAC 04/19 RESOLUTION**

MOVED: Cr Perry  
 SECONDED: Cr Murphy

That the list of delegated approvals be received.

	For	Against		For	Against
Cr Rockliff	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

**4.0 DEVELOPMENT REPORTS****4.1 PA2019.0007 SUBDIVISION (2 LOTS) - 99 CUTTS ROAD, DON (D573811)****PAC 05/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Perry

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2019.0007 and grant a Permit to subdivide land identified as 99 Cutts Road, Don for the following purposes:

- Subdivision (2 lots)

Subject to the following conditions:

1. The subdivision is to proceed generally in accordance with the endorsed plan referenced as Drawing No: 300596-D02, dated 26/09/18, copies of which are attached and endorsed as documents forming part of this Planning Permit.
2. Prior to the sealing of the final plan, the existing wastewater system on the site is to be decommissioned and the new system installed on lot 1 and approved by Council's Development Services Department.
3. Concentrated stormwater discharge is to be disposed of in accordance with the requirements of the current National Construction Code.
4. Each lot is to be serviced by a sealed all-weather access generally constructed in accordance with IPWEA Tasmanian Standard Drawings.
5. Any existing Council infrastructure impacted by the works are to be reinstated in accordance with the relevant standards.
6. The developer is to comply with the conditions contained in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit, pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*.

Note: The following is provided for information purposes.

Any future residential development on the balance lot must incorporate noise mitigation measures to alleviate highway noise.

In regard to condition 2, the subdivider will need to obtain plumbing approval from Council prior to commencing any works.

With respect to street addressing, Lot 1 is to remain 99 Cutts Road and the balance lot is to be 101 Cutts Road, Don.

The subdivider should contact Telstra and Tas Networks to assist them with their forward planning of infrastructure.

A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

In regard to condition 2-4 the applicant should contact Council's Infrastructure and Works Department – Ph 6424 0511 with any enquiries.

In regard to condition 5 the applicant/developer should contact TasWater – Ph 136 992 with any enquiries.

Enquiries regarding other conditions can be directed to Council's Development Services Department – Ph 6424 0511.

	<b>For</b>	<b>Against</b>		<b>For</b>	<b>Against</b>
Cr Rockliff	✓		Cr Milbourne	✓	
Cr Alexiou	✓		Cr Murphy	✓	
Cr Hollister	✓		Cr Perry	✓	

CARRIED UNANIMOUSLY

**With no further business on the agenda the Chairperson declared the meeting closed at 5:19pm.**

Confirmed

Chairperson

## 7.3 INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING - 8 APRIL 2019

File: 29528 D575019

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

### SUMMARY

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Infrastructure Works and Development Committee meeting held on Monday, 8 April 2019.

### ATTACHMENTS

1. Minutes - Infrastructure Works and Development Committee - 8 April 2019

### RECOMMENDATION

That the minutes of the Infrastructure Works and Development Committee meeting held on Monday, 8 April 2019 be received and the recommendations contained therein be adopted.

IWC 10/19	Tender Report CF0023 Supply & Delivery of a Sweeper and Scrubber <b>(approved under delegated authority)</b>
IWC 11/19	Electric Vehicle Integration Plan
IWC 12/19	Bike Riding Strategy 2015-2020 - Year 3 Status Update
IWC 13/19	Waste Strategy 2018-2023 - Year One Status Update
IWC 14/19	Signage Strategy 2017-2022 Year 2 Status Update
IWC 15/19	80-82 River Road, Ambleside
IWC 16/19	Risk Management Framework
IWC 17/19	Municipal Emergency Management Plan
IWC 18/19	Infrastructure and Works Report
IWC 19/19	Development and Health Services Report

Author:	Robyn Woolsey	Endorsed By:	Paul West
Position:	Executive Assistant General	Position:	General Manager
	Management		

**MINUTES OF AN INFRASTRUCTURE WORKS AND DEVELOPMENT COMMITTEE MEETING OF THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre, 137 ROOKE STREET, DEVONPORT ON MONDAY, 8 APRIL 2019 COMMENCING AT 5:30PM**

**PRESENT:** Cr L Perry (Chairperson)  
 Cr G Ennis  
 Cr P Hollister  
 Cr A Jarman  
 Cr L Laycock  
 Cr L Murphy

**Councillors in Attendance:**

Cr J Alexiou  
 Cr S Milbourne  
 Cr A Rockliff

**Council Officers:**

General Manager, P West  
 Deputy General Manager, M Atkins  
 Executive Manager Corporate & Business Services, J Griffith  
 Development Services Manager, K Lunson  
 Infrastructure and Works Manager, M Williams

**Audio Recording:**

All persons in attendance were advised that it is Council policy to record Council meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

**1.0 APOLOGIES**

There were no apologies received.

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 PROCEDURAL**

**3.1 PUBLIC QUESTION TIME**

**3.1.1 QUESTIONS ON NOTICE FROM THE PUBLIC**

Nil

**3.1.2 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

**RODNEY RUSSELL – 225 STEELE STREET, DEVONPORT**

**Q1** Who is responsible for cleaning the pavers or oil drips and other stains between Providore Place and paranaple centre where the car show and Harmony Day was?

**Response**

The Deputy General Manager advised that area forms part of Market Square which Council does the maintenance on.

**Q2** Devonport City Council have planned works on the Forbes Street overpass, westside guardrail. What are you planning on doing?

**Response**

Council's Infrastructure and Works Manager responded that the work proposed for next year includes the changing of the terminals on the guardrail, so that they are compliant with the current standard. Also work to ensure that the connections to the bridge barrier are in line with the current standard as well.

**DOUGLAS JANNEY – 23 WATKINSON STREET, DEVONPORT**

**Q1** When will the installation of the two sliding doors at the front of the paranapple centre be completed with opening direct arrows on those two sliding doors?

**Response**

The Deputy General Manager advised that as far as he is aware they are completed and have been signed off by the Building Surveyor. However, we will take that on notice and if we are going to put arrows on the doors we will let Mr Janney know.

**RODNEY RUSSELL – 225 STEELE STREET, DEVONPORT**

**Q3** Corner of North Fenton and Oldaker Streets there is some small white angles 10 metres from the corner to indicate how close you can park to the corner how much do these cost, each to be installed?

**Response**

The Chairperson advised that the question would be taken on notice and a response provided in writing.

## 4.0 TENDERS

### 4.1 TENDER REPORT CF0023 SUPPLY & DELIVERY OF A SWEEPER AND SCRUBBER (D570902)

#### IWC 10/19 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Murphy

That the Infrastructure, Works and Development Committee in relation to Project CF0023 Supply & Delivery of a Sweeper and Scrubber and in accordance with the delegated authority provided to it by Council under Minute 214/18, award the tender to Hako Australia for the tendered sum of \$173,663 (ex GST).

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Ennis	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY



**5.0 INFRASTRUCTURE AND WORKS REPORTS****5.1 ELECTRIC VEHICLE INTEGRATION PLAN (D564143)****IWC 11/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Hollister

That it be recommended to Council that the report of the Infrastructure and Works Manager be noted and that the recommendations from the Electric Vehicle Integration Plan be considered when managing Council's vehicle fleet.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**5.2 BIKE RIDING STRATEGY 2015-2020 - YEAR 3 STATUS UPDATE (D569043)****IWC 12/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Laycock

That it be recommended to Council that the report of the Infrastructure and Works Manager be received and Council note the status of actions listed in the Bike Riding Strategy 2015-2020.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**5.3 WASTE STRATEGY 2018-2023 - YEAR ONE STATUS UPDATE (D569057)****IWC 13/19 RESOLUTION**

MOVED: Cr Hollister

SECONDED: Cr Jarman

That it be recommended to Council that the report of the Infrastructure and Works Manager be received and Council note the status of actions listed in the Waste Strategy 2018-2023.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**5.4 SIGNAGE STRATEGY 2017-2022 YEAR 2 STATUS UPDATE (D569058)****IWC 14/19 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Hollister

That it be recommended to Council that the report of the Infrastructure and Works Manager be received and Council note the status of actions listed in the Signage Strategy 2017-2022.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**5.5 80-82 RIVER ROAD, AMBLESIDE (D569071)****IWC 15/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Murphy

That it be recommended to Council that:

- (a) Council does not proceed with the disposal of the land at 80-82 River Road, and
- (b) that Council retain ownership of this land and assign it to the Public Land Register for the purposes of the *Local Government Act 1993*.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**5.6 RISK MANAGEMENT FRAMEWORK (D572595)****IWC 16/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Murphy

That it be recommended to Council that the report of the Risk and Compliance Coordinator regarding the revised Risk Management Framework be received and that Council endorse the attached Risk Management Framework.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**5.7 MUNICIPAL EMERGENCY MANAGEMENT PLAN (D572974)****IWC 17/19 RESOLUTION**

MOVED: Cr Jarman

SECONDED: Cr Laycock

That it be recommended to Council that the report of the Risk and Compliance Coordinator be received and that Council adopt the Municipal Emergency Management Plan.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**6.0 INFRASTRUCTURE AND WORKS BI-MONTHLY UPDATE****6.1 INFRASTRUCTURE AND WORKS REPORT (D569299)****IWC 18/19 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Murphy

That it be recommended to Council that the Infrastructure and Works report be received and noted.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

**6.2 DEVELOPMENT AND HEALTH SERVICES REPORT (D571638)****IWC 19/19 RESOLUTION**

MOVED: Cr Murphy

SECONDED: Cr Laycock

That it be recommended to Council that the Development and Health Services Report be received and noted.

	For	Against		For	Against
Cr Perry	✓		Cr Jarman	✓	
Cr Enniss	✓		Cr Laycock	✓	
Cr Hollister	✓		Cr Murphy	✓	

CARRIED UNANIMOUSLY

There being no further business on the agenda the Chairperson declared the meeting closed at 6:02pm.

Confirmed

Chairperson

## 8.0 CLOSED SESSION

### RECOMMENDATION

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following be dealt with in Closed Session.

Item No	Matter	<b><i>Local Government (Meeting Procedures) Regulations 2015 Reference</i></b>
8.1	Confirmation of Closed Minutes - Council Meeting - 25 March 2019	15(2)(g)
8.2	Application for Leave of Absence	15(2)(h)
8.3	Providore Place	15(2)(b),(i)

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## OUT OF CLOSED SESSION

### RECOMMENDATION

That Council:

- (a) having met and dealt with its business formally move out of Closed Session; and
- (b) resolves to report that it has determined the following:

Item No	Matter	Outcome
8.1	Confirmation of Closed Minutes - Council Meeting - 25 March 2019	Confirmed
8.2	Application for Leave of Absence	Approved
8.3	Providore Place	

## 9.0 CLOSURE

There being no further business the Mayor declared the meeting closed at      pm.